

Kemble.	Shires.
LeMaster.	Stell.
Lewis.	Stiernberg.
McKean.	Strickland.
Pate.	Turner.
Purl.	Wessels.
Rogers.	Williamson.
Rowland.	Wilson.
Russell	
of Callahan.	

The House, accordingly, at 12 o'clock m., adjourned until 10 o'clock a. m. next Monday.

### TWENTY-SIXTH DAY.

(Monday, February 12, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Fields.
Arnold.	Finlay.
Atkinson.	Frnka.
Baker of Milam.	Fugler.
Baldwin.	Gipson.
Barker.	Green.
Barrett.	Greer.
Beasley.	Hardin of Erath.
Bell.	Harris.
Blount.	Henderson
Bonham.	of Marion.
Brady.	Henderson
Bryant.	of McLennan.
Burmeister.	Hendricks.
Cable.	Howeth.
Carpenter	Irwin.
of Dallas.	Jacks.
Carpenter	Jennings.
of Matagorda.	Johnson.
Carson.	Jones.
Carter of Coke.	Lackey.
Carter of Hays.	Laird.
Chitwood.	Lane.
Coffee.	LeMaster.
Covey.	Lewis.
Cowen.	Loftin.
Crawford.	Looney.
Culp.	McBride.
Davis.	McDonald.
DeBerry.	McFarlane.
Dinkle.	McNatt.
Dodd.	Martin.
Downs.	Mathes.
Driggers.	Maxwell.
Duffey.	Melson.
Dunlap.	Merriman.
Dunn.	Merritt.
Durham.	Miller.
Edwards.	Montgomery.
Faubion.	Moore.

Morgan	Shearer.
of Liberty.	Shires.
Morgan	Simpson.
of Robertson.	Smith.
Pate.	Sparkman.
Patman.	Stevens.
Patterson.	Stewart
Perdue.	of Edwards.
Pinkston.	Stewart of Jasper.
Pool.	Storey.
Pope.	Sweet.
Potter.	Teer.
Price.	Thompson.
Purl.	Thrasher.
Quaid.	Vaughan.
Quinn.	Wallace.
Rice.	Wells.
Robinson.	Westbrook.
Rogers.	Wessels.
Rountree.	Williamson.
Russell of Trinity.	Wilmans.
Sackett.	Wilson.
Sanford.	Winfree.
Satterwhite.	Young.

Absent.

Bird.	Strickland.
Collins.	Turner.
Lusk.	

Absent—Excused.

Amsler.	Kemble.
Avis.	Lamb.
Baker of Orange.	LeSturgeon.
Bobbitt.	McDaniel.
Davenport.	McKean.
Dielmann.	Rowland.
Hardin	Russell
of Kaufman.	of Callahan.
Harrington.	Stell.
Houston.	Stewart of Reeves.
Hughes.	Stiernberg.
Hull.	Stroder.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Finlay, for today, on motion of Mr. Barker.

Mr. Stewart of Reeves, for today, on motion of Mr. Frnka.

Mr. Russell of Callahan, for today, on motion of Mr. Green.

Mr. Hardin of Kaufman, for today, on motion of Mr. Durham.

Mr. Hughes, for today, on motion of Mr. Henderson of McLennan.

Mr. Dielmann, for today, on motion of Mr. Young.

Mr. Houston, for today, on motion of Mr. Pope.

Mr. Hull, for today and tomorrow, on motion of Mr. Jacks.

Mr. Baker of Orange, for today, on motion of Mr. Jacks.

Mr. Bobbitt, for today, on motion of Mr. Arnold.

Mr. LeStourgeon and Mr. Davenport, for today, on motion of Mr. Westbrook.

Mr. Amsler, for today, on motion of Mr. Merriman.

Mr. Lamb, for today, on motion of Mr. Russell of Trinity.

Mr. Avis, for today, on motion of Mr. Bonham.

Mr. Harrington, for today, on motion of Mr. Bell.

The following members were granted leaves of absence on account of sickness:

Mr. McDaniel, for today, on motion of Mr. Cable.

Mr. Kemble, for today, on motion of Mr. McNatt.

Mr. Stroder, for today, on motion of Mr. Greer.

Mr. Stiernberg, for today and indefinitely, on motion of Mr. McFarlane.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Wessels:

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette county; providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act; adapting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners such ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for the violation or neglect of such duty so imposed; providing that the act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually

heavy traffic, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Robinson:

H. B. No. 495, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, and Chapter 32 of the General Laws of the Regular Session of the Thirty-seventh Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Leon county."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Sackett:

H. B. No. 496, A bill to be entitled "An Act providing for the maturing and collecting of ad valorem taxes payable to the State, the counties and the several subdivisions and districts embracing all or parts of one or more counties, collectible by the collectors of taxes of such counties, subdivisions and districts; including provisions for the maturing of unmatured installments in case of default, and for consequent penalties and costs; providing a means of re-establishing the dates of maturing of defaulted installments, with cancellation of penalties and interest on those whose maturity is restored; providing for the exemption of certain taxes and parts of taxes from the operation of this law in certain cases and during certain periods; including provision for collection of defaulted taxes by suit, and, as an incident of this system of maturities and collections, making unnecessary the preparing and publishing of a delinquent

tax list; and prescribing duties of the collectors of taxes."

Referred to Committee on Revenue and Taxation.

By Mr. Smith:

H. B. No. 497, A bill to be entitled "An Act to amend Article 4960, Chapter 15, Title 71 of the Revised Statutes of the State of Texas, same being Section 462 of the Insurance Digest of Texas, providing for the payment of a fee of \$2 by each person for each certificate of authority issued, authorizing such person to write insurance in Texas; and setting aside such fund to the expenses of the Insurance Department and repealing Section 20 of Article 7355, Chapter 1, of Title 126 of the Revised Statutes of the State of Texas, same being Section 484 of the Insurance Digest of the State of Texas, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Young:

H. B. No. 498, A bill to be entitled "An Act to create the Giles Independent School District in Donley county, Texas, including the present Giles Common School District No. 4, of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas, providing that the board of trustees of the present Giles Common School District No. 4 shall continue to act as such until their successors are elected as provided herein, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Barker:

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quails and doves in Grayson and Collin counties; providing penalties for violation of same; providing that road runners or chapperals may be killed at any time, and providing that if any section or part of section of this act be declared unconstitutional, the remainder of such act shall remain in full force and effect adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Storey:

H. B. No. 500, A bill to be entitled "An Act prohibiting any person, firm, corporation or association engaged in commerce or aids to commerce within this State from directly or indirectly discriminating in price between different purchasers of commodities when same are sold for use, consumption or resale within this State, where the effect of such discrimination may be to substantially lessen competition or aids to commerce or tend to create a monopoly in commerce within this State; provided that nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in grade, quality or quantity of the commodity sold or that makes only due allowance in the cost of selling and transportation or discrimination in price in the same or different communities made in good faith to meet competition; fixing venue, providing penalties and providing for the forfeiture of the charter of foreign or domestic corporations violating the provisions of this act, making it the duty of the Attorney General to bring suit for penalties and forfeiture of charter; and providing that the provisions of this act shall be cumulative of all other anti-trust laws of the State of Texas, and declaring an emergency."

Referred to Judiciary Committee.

#### SENATE BILL ON FIRST READING.

The following Senate bill was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 229, to the Committee on Banks and Banking.

#### RELATING TO VOTE ON HOUSE BILL NO. 347.

Mr. Cable moved to reconsider the vote by which House bill No. 347 failed, on last Saturday, to pass to engrossment and asked to have the motion to reconsider spread on the Journal.

#### NOTICE GIVEN.

Mr. Greer gave notice that he would tomorrow call up, for consideration at that time, the motion to reconsider the vote by which House bill No. 347 failed

to pass to engrossment, which motion to reconsider was spread on the Journal.

### SPECIAL ORDER SET.

Mr. Rountree moved that House joint resolution No. 9 be set as a special order for 11 o'clock a. m. tomorrow.

Yeas and nays were demanded and the motion prevailed by the following vote:

Yeas—85.

Mr. Speaker.	LeMaster.
Atkinson.	Lewis.
Baker of Milam.	McBride.
Baldwin.	McDonald.
Barker.	McNatt.
Barrett.	Mathes.
Beasley.	Maxwell.
Bell.	Melson.
Blount.	Merriman.
Bryant.	Merritt.
Burmeister.	Miller.
Carpenter	Montgomery.
of Dallas.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Carter of Coke.	of Robertson.
Carter of Hays.	Pate.
Chitwood.	Patterson.
Coffee.	Perdue.
Covey.	Pinkston.
Dinkle.	Potter.
Dodd.	Price.
Downs.	Purl.
Duffey.	Quaid.
Dunlap.	Quinn.
Dunn.	Rice.
Durham.	Robinson.
Edwards.	Rountree.
Faubion.	Russell of Trinity.
Fugler.	Sackett.
Gipson.	Satterwhite.
Green.	Shearer.
Greer.	Shires.
Hardin of Erath.	Simpson.
Harris.	Sparkman.
Henderson	Stewart
of Marion.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Teer.
Hendricks.	Vaughan.
Howeth.	Wallace.
Irwin.	Williamson.
Jennings.	Wilmans.
Lackey.	Winfree.
Laird.	Young.
Lane.	

Nays—16.

Abney.	DeBerry.
Brady.	Fields.
Cowen.	Finlay.
Davis.	Looney.

Pool.  
Rogers.  
Stevens.  
Storey.

Thompson.  
Wells.  
Wessels.  
Wilson.

Absent.

Arnold.	Lusk.
Bird.	McFarlane.
Bonham.	Martin.
Cable.	Patman.
Collins.	Pope.
Crawford.	Sanford.
Culp.	Smith.
Driggers.	Strickland.
Frnka.	Sweet.
Jacks.	Thrasher.
Johnson.	Turner.
Loftin.	Westbrook.

Absent—Excused.

Amsler.	Kemble.
Avis.	Lamb.
Baker of Orange.	LeSturgeon.
Bobbitt.	McDaniel.
Davenport.	McKean.
Dielmann.	Rowland.
Hardin	Russell
of Kaufman.	of Callahan.
Harrington.	Stell.
Houston.	Stewart of Reeves.
Hughes.	Stiernberg.
Hull.	Stroder.
Jones.	

### RELATING TO IMMIGRATION LAW.

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 15, Relating to immigration law.

The resolution having heretofore been read second time.

Question recurring on the resolution, it was adopted.

### RELATING TO COLLECTION OF DELINQUENT TAXES.

Mr. Teer offered the following resolution:

Whereas, The report is broadcast over this State that there are several million dollars due the State as delinquent taxes; and

Whereas, This Legislature and the people of Texas should know why these taxes have not been paid and who it is that is due the delinquent taxes; and

Whereas, There should be some steps taken by this Legislature to bring about the speedy collection of the delinquent taxes due this State; therefore be it

Resolved, That the Comptroller of

this State be requested to furnish this House with a statement showing what delinquent taxes are due the State, what counties and the amount due from them, and what steps are being taken to force collection; be it further

Resolved, That the Comptroller be requested to show in his statement if there are any county tax collectors who have not paid into the treasury of this State the taxes collected prior to the year 1922.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 328 ON SECOND READING.

On motion of Mr. Beasley, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 328, A bill to be entitled "An Act to repeal Article 7383a as enacted by the Thirty-sixth Legislature relating to occupation taxes based upon gross receipts and adding in lieu thereof a new Article 7383a, providing an occupation tax on sulphur produced in the State of Texas by individuals, companies, corporations and associations; providing that in the event of either or a part of article be held unconstitutional by the courts it shall not invalidate the remainder of said article, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Melson offered the following (committee) amendment to the bill:

Amend House bill No. 328 by striking out the word "five" before the words "per cent" and also strike out the figure "5" in parentheses and insert in lieu thereof the word "three" and the figure "3" in parentheses.

The amendment was adopted.

Mr. Smith moved to reconsider the vote by which the (committee) amendment was adopted and the motion to reconsider was lost.

Mr. Fields moved the previous question on the bill, and the main question was ordered.

House bill No. 328 was then passed to engrossment.

#### HOUSE BILL NO. 393 ON ENGROSSMENT.

On motion of Mr. Smith, the regular order of business was suspended to take up and have placed on its passage to engrossment,

H. B. No. 393, A bill to be entitled "An Act levying an inheritance tax or transfer tax and for the assessment thereof of an inheritance tax on all property passing by will or by descent, grant or gift under the intestate laws of the State of Texas or by transfer, contemplation of death, and providing for the collection of such taxes; said tax taking effect after the death of the grantor or donor, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, and repealing Chapters 21, Acts of the First Called Session of the Thirtieth Legislature, Chapter 166, Acts of the Regular Session of the Thirty-sixth Legislature, repealing all laws or parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House, the bill having heretofore been read second time, with amendment by Mr. Pope and substitute by Mr. Satterwhite, for the amendment, pending.

Question first recurring on the substitute by Mr. Satterwhite, it was adopted.

Question recurring on the amendment as substituted, it was adopted.

Mr. Smith offered the following (committee) amendment to the bill:

Amend Section 1 by adding the words "Revised Civil Statutes of Texas" after the figures "7502."

The amendment was adopted.

Mr. Smith offered the following (committee) amendment to the bill:

Amend caption by inserting after the figures "7502" add "Revised Civil Statutes of Texas."

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 393 by striking out Section 1 and substituting therefor the following: "Section 1. That Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502 of the Revised Civil Statutes of Texas, 1911, Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Regular Session of the Thirty-sixth Legislature, and all laws in conflict with this act, be and the same are hereby repealed."

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 393 by striking out lines 26 to 35, inclusive, of page 1, and substituting therefor the following:

"Section 1. All property within the jurisdiction of this State, real or personal, corporal or incorporeal, and any interest therein, whether belonging to inhabitants of this State or to those who are not such inhabitants, which shall pass absolutely or in trust by will, or by the laws of descent or distribution of this or any other State, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor, or if made in contemplation of death by the grantor or donor, shall upon passing to or for the use of any person, corporation or association, be subject to a tax for the benefit of the State general revenue fund in accordance with the following classifications, to wit:"

Mr. Pope raised a point of order on consideration of the amendment, on the ground that the amendment proposes to defeat an amendment already adopted by the House.

The Speaker sustained the point of order.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 393, page 1, as follows:

Strike out the comma between the words "husband" and "wife" in line 37, and substitute therefor the word "or;" strike out the word "father" in line 37; strike out the words "mother and" in line 38, and substitute therefor the words "or any;" strike out the words "of the testator" in line 38, and substitute therefor a comma; strike out the words "of the testator" in line 39.

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 393, page 2, as follows:

Between the words "bequest" and "to," in line 12, insert the word "is;" after the last "a" in line 25 add the word "direct;" strike out the words "or ascendant" in line 26, page 2; strike out the first "of" in line 34, and substitute therefor the word "in;" after the word "a" in line 38 add the word "direct;" strike out the words "or ascendant" and the words "of the decedent" in line 39.

The amendment was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 393, as amended, page 1, by striking out lines 30 to 35,

inclusive, and insert in lieu thereof the following: "Or by any form of deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor, or by any such deed, grant, sale or gift made in contemplation of death by the grantor, or donor, shall upon passing to, or for the use of any person, corporation or association whatever, be subject to a tax for the benefit of the State General Revenue Fund in accordance with the classification hereinafter set forth, and any such deed, grant or sale unless executed in good faith for adequate value, or any gift made within five years next prior to the death of the grantor or donor shall be conclusively presumed to have been made in contemplation of death."

Question—Shall the amendment be adopted?

#### RECESS.

On motion of Mr. Price, the House, at 12 o'clock m., took recess until 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 393 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 393, relating to inheritance tax, on its passage to engrossment, with amendment by Mr. Bonham, pending.

On motion of Mr. Smith further consideration of the bill was postponed until 2 o'clock p. m. next Thursday.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 1, A bill to be entitled "An Act appropriating three million five hundred thousand dollars (\$3,500,000) out of the State Treasury to aid and promote all the public schools of this State for the scholastic year beginning September 1, 1922, and ending

August 31, 1923, the same to be distributed as the available school fund is now distributed, and declaring an emergency," with an amendment.

And postponed indefinitely Senate bill No. 15, by the following vote: 19 yeas and 8 nays.

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

# HOUSE BILL NO. 348 ON SECOND READING.

On motion of Mr. Frnka, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 348, A bill to be entitled "An Act to empower municipal corporations and county commissioners court, licensing and regulating public indoor recreating places; limiting license to adult citizens of the United States; providing for the revocation of license; compelling operators of such places to conform to regulations; providing for license tax and fixing penalties for violations; prohibiting minors and vagrants from loitering in such places; prohibiting blinds and other obstructions; regulating hours opening and closing; exempting student organizations, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 348, in line 36, by changing the amount "\$300" to read "\$750," and also change the amount "\$150," line 39, to read "\$500," in line 40 substitute amount "\$125" for "\$75," and line 1, page '2, substitute "\$125" for "\$75."

Mr. Winfree moved that further consideration of the bill be postponed until 10 o'clock a. m. next Saturday.

Mr. Thrasher moved that further consideration of the bill be postponed indefinitely.

Question first recurring on the motion to postpone until 10 o'clock a. m. Saturday, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55.

Abney.  
Arnold.  
Baldwin.  
Blount.  
Bonham.

Brady.  
Burmeister.  
Carpenter  
of Matagorda.  
Carson.

Carter of Coke.  
Carter of Hays.  
Chitwood.  
Cowen.  
Crawford.  
Davis.  
DeBerry.  
Dielmann.  
Dunn.  
Durham.  
Frnka.  
Fugler.  
Greer.  
Hardin of Erath.  
Harris.  
Henderson  
of McLennan.  
Hendricks.  
Johnson.  
Lackey.  
Lane.  
McDonald.  
Mathes.  
Maxwell.

Melson.  
Miller.  
Morgan  
of Robertson.  
Patman.  
Perdue.  
Pinkston.  
Pope.  
Price.  
Purl.  
Quinn.  
Rice.  
Robinson.  
Rogers.  
Sackett.  
Shearer.  
Shires.  
Simpson.  
Smith.  
Stevens.  
Turner.  
Wessels.  
Williamson.  
Winfree.

Nays—59.

Atkinson.  
Baker of Milam.  
Barker.  
Beasley.  
Bell.  
Bryant.  
Cable.  
Coffee.  
Covey.  
Culp.  
Davenport.  
Dinkle.  
Dodd.  
Downs.  
Driggers.  
Duffey.  
Dunlap.  
Edwards.  
Faubion.  
Fields.  
Gipson.  
Henderson  
of Marion.  
Howeth.  
Irwin.  
Jacks.  
Jennings.  
Laird.  
Lamb.  
LeMaster.  
Loftin.  
Looney.

McBride.  
McFarlane.  
McNatt.  
Martin.  
Merriman.  
Merritt.  
Moore.  
Morgan  
of Liberty.  
Pate.  
Patterson.  
Pool.  
Potter.  
Quaid.  
Rountree.  
Russell of Trinity.  
Sanford.  
Satterwhite.  
Stewart  
of Edwards.  
Stewart of Jasper.  
Storey.  
Sweet.  
Teer.  
Thrasher.  
Vaughan.  
Wallace.  
Wells.  
Westbrook.  
Wilson.  
Young.

Present—Not Voting.

Sparkman.  
  
Barrett.  
Bird.

Wilmans.  
Absent.  
Carpenter  
of Dallas.

Collins.  
Finlay.  
Green.  
Lewis.

Lusk.  
Montgomery.  
Strickland.  
Thompson.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.  
Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.  
Hull.  
Jones.

Kemble.  
LeSturgeon.  
McDaniel.  
McKean.  
Rowland.  
Russell  
of Callahan.  
Stell.  
Stewart of Reeves.  
Stiernberg.  
Stroder.

Question then recurring on the motion of Mr. Thrasher to postpone further consideration indefinitely, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—70.

Atkinson.	Loftin.
Baker of Milam.	Looney.
Barker.	McBride.
Beasley.	McFarlane.
Bell.	McNatt.
Blount.	Martin.
Bonham.	Maxwell.
Bryant.	Melson.
Cable.	Merriman.
Carter of Hays.	Merritt.
Chitwood.	Miller.
Covey.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Dinkle.	Pate.
Dodd.	Patterson.
Downs.	Potter.
Driggers.	Quaid.
Duffey.	Robinson.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Edwards.	Sanford.
Faubion.	Satterwhite.
Fields.	Sparkman.
Gipson.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Henderson	Sweet.
of McLennan.	Teer.
Howeth.	Thrasher.
Irwin.	Vaughan.
Jennings.	Wallace.
Laird.	Wells.
Lamb.	Westbrook.
Lane.	Wilson.
LeMaster.	Young.

Nays—42.

Abney. Arnold.

Baldwin.  
Brady.  
Burmeister.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Cowen.  
Davenport.  
Davis.  
DeBerry.  
Dielmann.  
Durham.  
Frnka.  
Fugler.  
Greer.  
Hardin of Erath.  
Hendricks.  
Jacks.  
Johnson.  
Lackey.

McDonald.  
Mathes.  
Morgan  
of Robertson.  
Patman.  
Perdue.  
Pinkston.  
Pope.  
Price.  
Purl.  
Rice.  
Rogers.  
Shearer.  
Simpson.  
Smith.  
Storey.  
Turner.  
Wessels.  
Williamson.  
Winfree.

Present—Not Voting.

Quinn.  
Shires.

Wilmons.

Absent.

Barrett.	Lewis.
Bird.	Lusk.
Carpenter	Montgomery.
of Dallas.	Pool.
Coffee.	Rountree.
Collins.	Strickland.
Finlay.	Thompson.
Green.	

Absent—Excused.

Amsler.	Kemble.
Avis.	LeSturgeon.
Baker of Orange.	McDaniel.
Bobbitt.	McKean.
Hardin	Rowland.
of Kaufman.	Russell
Harrington.	of Callahan.
Houston.	Stell.
Hughes.	Stewart of Reeves.
Hull.	Stiernberg.
Jones.	Stroder.

Mr. Thrasher moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—68.

Atkinson.	Beasley.
Baker of Milam.	Bell.
Baker of Orange.	Blount.
Barker.	Bonham.



Bryant.	Merriman.
Cable.	Merritt.
Chitwood.	Miller.
Covey.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Dinkle.	Pate.
Dodd.	Patterson.
Downs.	Pool.
Driggers.	Potter.
Duffey.	Quaid.
Dunlap.	Quinn.
Dunn.	Russell of Trinity.
Durham.	Sackett.
Edwards.	Sanford.
Faubion.	Satterwhite.
Fields.	Shires.
Gipson.	Sparkman.
Hardin of Erath.	Stevens.
Harris.	Stewart
Howeth.	of Edwards.
Irwin.	Stewart of Jasper.
Jennings.	Storey.
Laird.	Sweet.
Lamb.	Teer.
Lane.	Thrasher.
LeMaster.	Wallace.
Looney.	Wells.
McBride.	Westbrook.
McFarlane.	Wilson.
McNatt.	Young.
Martin.	

## Nays—43.

Abney.	McDonald.
Arnold.	Mathes.
Baldwin.	Maxwell.
Brady.	Morgan
Burmeister.	of Robertson.
Carpenter	Patman.
of Matagorda.	Perdue.
Carson.	Pinkston.
Carter of Coke.	Price.
Carter of Hays.	Purl.
Cowen.	Rice.
Davenport.	Robinson.
Davis.	Rogers.
DeBerry.	Rountree.
Dielmann.	Shearer.
Frnka.	Simpson.
Fugler.	Smith.
Greer.	Turner.
Henderson	Vaughan.
of McLennan.	Wessels.
Hendricks.	Williamson.
Jacks.	Wilmans.
Johnson.	Winfree.
Lackey.	

## Absent.

Barrett.	Finlay.
Bird.	Green.
Carpenter	Lewis.
of Dallas.	Henderson
Coffee.	of Marion.
Collins.	Loftin.

Lusk.	Pope.
Melson.	Strickland.
Montgomery.	Thompson.

## Absent—Excused.

Amsler.	LeSturgeon.
Avis.	McDaniel.
Bobbitt.	McKean.
Hardin	Rowland.
of Kaufman.	Russell
Harrington.	of Callahan.
Houston.	Stell.
Hughes.	Stewart of Reeves.
Hull.	Stiernberg.
Jones.	Stroder.
Kemble.	

## HOUSE BILL NO. 328 ON THIRD READING.

Mr. Simpson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 328 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Fields.
Abney.	Frnka.
Arnold.	Fugler.
Atkinson.	Gipson.
Baker of Orange.	Greer.
Baldwin.	Hardin of Erath.
Barker.	Harris.
Beasley.	Henderson
Bell.	of Marion.
Blount.	Hendricks.
Bryant.	Howeth.
Burmeister.	Irwin.
Cable.	Jennings.
Carpenter	Laird.
of Dallas.	Lamb.
Carson.	Lane.
Carter of Coke.	Loftin.
Carter of Hays.	Looney.
Chitwood.	McBride.
Covey.	McDonald.
Cowen.	McFarlane.
Crawford.	McNatt.
Culp.	Martin.
Davenport.	Mathes.
Davis.	Maxwell.
DeBerry.	Melson.
Dielmann.	Merritt.
Dinkle.	Miller.
Dodd.	Moore.
Downs.	Morgan
Driggers.	of Robertson.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Patterson.
Durham.	Perdue.
Faubion.	Pinkston.

Pope.	Stewart
Potter.	of Edwards.
Price.	Stewart of Jasper.
Purl.	Storey.
Quaid.	Sweet.
Quinn.	Teer.
Rice.	Thrasher.
Robinson.	Turner.
Russell of Trinity.	Vaughan.
Sackett.	Wallace.
Sanford.	Wells.
Satterwhite.	Westbrook.
Shires.	Williamson.
Simpson.	Wilmans.
Sparkman.	Wilson.
Stevens.	Winfree.

## Nays—7.

Carpenter	Morgan
of Matagorda.	of Liberty.
Henderson	Shearer.
of McLennan.	Smith.
Merriman.	Wessels.

## Absent.

Barrett.	Lackey.
Bird.	LeMaster.
Bonham.	Lewis.
Brady.	Lusk.
Coffee.	Montgomery.
Collins.	Pool.
Edwards.	Rogers.
Finlay.	Rountree.
Green.	Strickland.
Jacks.	Thompson.
Johnson.	Young.

## Absent—Excused.

Amsler.	Kemble.
Avis.	LeStourgeon.
Baker of Milam.	McDaniel.
Bobbitt.	McKean.
Hardin	Rowland.
of Kaufman.	Russell
Harrington.	of Callahan.
Houston.	Stell.
Hughes.	Stewart of Reeves.
Hull.	Stiernberg.
Jones.	Stroder.

The Speaker then laid House bill No. 328 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—101.

Mr. Speaker.	Barker.
Abney.	Beasley.
Arnold.	Bell.
Atkinson.	Blount.
Baker of Milam.	Bonham.
Baldwin.	Bryant.

Burmeister.	McFarlane.
Cable.	McKean.
Carpenter	McNatt.
of Dallas.	Mathes.
Carter of Coke.	Melson.
Carter of Hays.	Merritt.
Covey.	Miller.
Cowen.	Moore.
Crawford.	Morgan
Culp.	of Robertson.
Davenport.	Pate.
Davis.	Patman.
DeBerry.	Patterson.
Dielmann.	Perdue.
Dinkle.	Pinkston.
Dodd.	Pope.
Downs.	Potter.
Driggers.	Price.
Duffey.	Purl.
Dunlap.	*Quaid.
Dunn.	Quinn.
Durham.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Frnka.	Rountree.
Fugler.	Russell of Trinity.
Gipson.	Sackett.
Greer.	Sanford.
Hardin of Erath.	Satterwhite.
Henderson	Shires.
of Marion.	Simpson.
Henderson	Sparkman.
of McLennan.	Stevens.
Hendricks.	Stewart
Howeth.	of Edwards.
Jennings.	Stewart of Jasper.
Johnson.	Storey.
Jones.	Sweet.
Lackey.	Teer.
Laird.	Thrasher.
Lamb.	Turner.
Lane.	Vaughan.
LeMaster.	Wallace.
LeStourgeon.	Wells.
Loftin.	Westbrook.
Looney.	Wilmans.
McBride.	Wilson.
McDaniel.	Winfree.
McDonald.	

## Nays—14.

Brady.	Merriman.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Pool.
Chitwood.	Shearer.
Harris.	Smith.
Irwin.	Wessels.
Maxwell.	Williamson.

## Present—Not Voting.

Martin.

## Absent.

Barrett.	Coffee.
Bird.	Collins.

Edwards.  
Finlay.  
Green.  
Jacks.  
Lewis.

Lusk.  
Montgomery.  
Strickland.  
Thompson.  
Young.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.  
Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.

Hull.  
Kemble.  
Rowland.  
Russell  
of Callahan.  
Stell.  
Stewart of Reeves.  
Stiernberg.  
Stroder.

Mr. Simpson moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 1 WITH SENATE AMENDMENTS.

Mr. Melson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1, A bill to be entitled "An Act appropriating three million five hundred thousand dollars (\$3,500,000) out of the State Treasury to aid and promote all the public schools of this State for the scholastic year beginning September 1, 1922, and ending August 31, 1923, the same to be distributed as the available school fund is now distributed, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Melson moved that the House concur in the Senate amendments.

The Clerk was directed to call the roll and the House concurred in the Senate amendments by the following vote:

Yeas—108.

Mr. Speaker.  
Abney.  
Arnold.  
Atkinson.  
Baker of Milam.  
Baldwin.  
Barker.  
Beasley.  
Bell.  
Blount.  
Bonham.  
Brady.  
Bryant.

Burmeister.  
Cable.  
Carpenter  
of Dallas.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Carter of Hays.  
Chitwood.  
Covey.  
Cowen.  
Crawford.

Culp.  
Davenport.  
Davis.  
DeBerry.  
Dinkle.  
Dodd.  
Downs.  
Driggers.  
Duffey.  
Dunlap.  
Dunn.  
Durham.  
Edwards.  
Faubion.  
Frnka.  
Fugler.  
Gipson.  
Greer.  
Hardin of Erath.  
Harris.  
Henderson  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Howeth.  
Irwin.  
Jacks.  
Jennings.  
Johnson.  
Jones.  
Lackey.  
Lane.  
Looney.  
McBride.  
McFarlane.  
McNatt.  
Martin.  
Mathes.  
Maxwell.  
Melson.  
Merriman.  
Merritt.  
Miller.

Moore.  
Morgan  
of Liberty.  
Morgan  
of Robertson.  
Pate.  
Patman.  
Patterson.  
Perdue.  
Pinkston.  
Pool.  
Pope.  
Potter.  
Price.  
Purl.  
Quaid.  
Quinn.  
Rice.  
Robinson.  
Rogers.  
Russell of Trinity.  
Sackett.  
Sanford.  
Satterwhite.  
Shearer.  
Shires.  
Simpson.  
Smith.  
Sparkman.  
Stevens.  
Stewart of Jasper.  
Storey.  
Sweet.  
Teer.  
Thrasher.  
Turner.  
Vaughan.  
Wallace.  
Wells.  
Westbrook.  
Williamson.  
Wilmons.  
Wilson.  
Winfree.

Nays—3.

Fields.  
Laird.

Lamb.

Absent.

Barrett.  
Bird.  
Coffee.  
Collins.  
Dielmann.  
Finlay.  
Green.  
LeMaster.  
Lewis.  
Loftin.

Lusk.  
McDonald.  
Montgomery.  
Rountree.  
Stewart  
of Edwards.  
Strickland.  
Thompson.  
Wessels.  
Young.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.

Hardin  
of Kaufman.  
Harrington.  
Houston.

Hughes.	Russell
Hull.	of Callahan.
Kemble.	Stell.
LeStourgeon.	Stewart of Reeves.
McDaniel.	Stiernberg.
McKean.	Stroder.
Rowland.	

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 12, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House that the Senate has  
passed

H. B. No. 58, A bill to be entitled  
"An Act creating the Krum Independent  
School District of Denton county,  
by adding to and making a part of  
what is known as the Krum Independent  
School District of Denton certain  
lands and territories adjoining thereto  
and situated in Denton county for school  
purposes only; providing for a board of  
trustees, giving said board of trustees  
of said independent district power and  
jurisdiction over said land and territory  
and the inhabitants thereof; placing  
said Krum Independent School District  
under the general statutes, except as  
herein expressly provided otherwise, and  
declaring an emergency."

H. B. No. 380, A bill to be entitled  
"An Act creating and establishing a  
common school district to be known as  
Common County Line School District  
No. 49, composed of parts of Fannin and  
Hunt counties; defining the powers of  
such district, prescribing the powers of  
the county board of school trustees in  
relation thereto, and declaring an emer-  
gency."

H. B. No. 103, A bill to be entitled  
"An Act in the interest of maternity  
and infancy welfare and hygiene; ac-  
cepting the provisions of an act of the  
United States Congress, approved No-  
vember 23, 1921, entitled 'An Act for  
the promotion of the welfare and hy-  
giene of maternity and infancy and for  
other purposes,' commonly known as  
the Sheppard-Towner Act; providing  
that the work shall be carried on  
through the State Board of Health  
through the State Board of Health

S. B. No. 262, A bill to be entitled  
"An Act to amend an act to reor-  
ganize the Thirty-fifth and Twenty-  
seventh Judicial Districts of Texas,  
passed by the Twenty-ninth Legisla-  
ture, Chapter 37, as amended by the

Second Called Session of the Thirty-  
first Legislature, Chapter 3; as fur-  
ther amended by the Regular Session  
of the Thirty-third Legislature, Chap-  
ter 61; and as further amended by  
the Acts of the Regular Session of  
the Thirty-seventh Legislature, Chap-  
ter 31, page 75; and to reorganize the  
Thirty-fifth Judicial District of Texas,  
to name the counties composing said  
Thirty-fifth Judicial District, to fix the  
time of holding court in the counties  
composing said Thirty-fifth Judicial  
District, to provide for the extension  
and return of process issued out of said  
courts; and to repeal all laws and parts  
of laws in conflict herewith, and declar-  
ing an emergency."

S. B. No. 278, A bill to be entitled  
"An Act creating the Ninety-sixth Ju-  
dicial District of Texas, and establish-  
ing a new civil district within the limits  
of Tarrant county, additional to the dis-  
trict courts now organized and operating  
in said county; fixing the terms of said  
court; defining the jurisdiction thereof;  
providing for the appointment of the  
judge thereof by the Governor until  
the next general election; authorizing  
the transfer of cases by and between  
the various civil district courts in said  
county; repealing all laws in conflict  
herewith, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,  
Assistant Secretary of the Senate.

HOUSE BILL NO. 313 ON SECOND  
READING.

On motion of Mr. Fugler, the regular  
order of business was suspended, to take  
up and have placed on its second read-  
ing and passage to engrossment,

H. B. No. 313, A bill to be entitled  
"An Act providing for the supervision  
and regulation of the transportation of  
persons and property for compensation  
and hire over any public highway by  
motor-propelled vehicles; defining auto  
transportation companies as common  
carriers and providing for the super-  
vision and regulation thereof by the  
Railroad Commission of Texas; provid-  
ing for the issuing of certificates of con-  
venience and necessity for the operation  
of auto transportation companies; de-  
fining the duties and powers of the Rail-  
road Commission of Texas; authorizing  
the Railroad Commission of Texas to  
make rules and regulations for govern-  
ing auto transportation companies, to fix  
rates, supervise service, make investiga-

tion of books, accounts and the doing of all other matters and things pertaining to auto transportation that may be necessary in the matter of regulation and control; authorizing the Railroad Commission of Texas to punish for contempt for the violation of its rules and regulations; providing a penalty for the violation of the law and the rules and regulations of the Railroad Commission of Texas; providing for the collection of an annual fee to defray the cost of administering and enforcing this law; providing for additional office space and the employment of the necessary employes to administer and enforce this law and the payment of such employes and all other expenses out of the funds derived from fees and fines, and providing for payment in event of deficit, and declaring an emergency."

(Mr. Burmeister in the chair.)

Mr. Brady offered the following amendment to the bill:

Amend the bill, line 5, page 5, by adding after the word "herein" the following: "Provided, however, that every motor vehicle operated for hire in this State shall be required to carry public liability and property damage insurance as required by Section 5 whether such motor vehicle so operated come within the definition of auto transportation company or not."

Mr. Fugler raised a point of order on consideration of the amendment, on the ground that the amendment is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 313 by adding after the word "installment" in line 37, page 7, the following: "until such sums can be fixed by and in general appropriation bill to be passed by the Thirty-eighth Legislature or called session thereof, and after the said sums are fixed in said appropriation bill said sums shall be paid out of the general fund as may be provided in said appropriation bill."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 313 by striking out all of lines 30, 29 and 28 and all of line 27, page 7, after the word "credited" and insert in lieu thereof the following, "to the general fund."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 313 by adding after the word "act," in line 34, page 7, the following, "until the number of such experts, assistants and other help may be designated in the general appropriation bill to be passed by the Thirty-eighth Legislature or called session thereof."

The amendment was adopted.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 313 by striking out Section 4, page 3, down and through line 35.

Mr. Moore moved to table the amendment by Mr. Jacks.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—57.

Abney.	McNatt.
Atkinson.	Martin.
Barker.	Maxwell.
Barrett.	Melson.
Beasley.	Miller.
Bell.	Moore.
Bonham.	Morgan
Burmeister.	of Robertson.
Carpenter	Pate.
of Dallas.	Patman.
Carpenter	Perdue.
of Matagorda.	Pinkston.
Covey.	Pool.
Dielmann.	Potter.
Dinkle.	Parl.
Downs.	Sackett.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Shires.
Edwards.	Simpson.
Faubion.	Smith.
Fields.	Sparkman.
Frnka.	Stewart
Fugler.	of Edwards.
Hardin of Erath.	Stewart of Jasper.
Henderson	Teer.
of Marion.	Turner.
Jennings.	Vaughan.
Lackey.	Wallace.
Lane.	Williamson.

Nays—53.

Arnold.	Chitwood.
Baker of Milam.	Cowen.
Baldwin.	Culp.
Blount.	Davis.
Brady.	DeBerry.
Bryant.	Dodd.
Cable.	Durham.
Carson.	Finlay.
Carter of Coke.	Green.
Carter of Hays.	Greer.

Howeth.  
Irwin.  
Jacks.  
Jones.  
Laird.  
Lamb.  
LeMaster.  
Loftin.  
Looney.  
McBride.  
McDonald.  
McFarlane.  
Mathes.  
Merriman.  
Merritt.  
Morgan  
of Liberty.

Patterson.  
Price.  
Quaid.  
Quinn.  
Rice.  
Russell of Trinity.  
Stevens.  
Storey.  
Sweet.  
Thompson.  
Westbrook.  
Wessels.  
Wells.  
Wilmans.  
Wilson.  
Winfree.  
Young.

Absent.

Bird.  
Coffee.  
Collins.  
Crawford.  
Davenport.  
Gipson.  
Harris.  
Henderson  
of McLennan.  
Hendricks.

Johnson.  
Lewis.  
Lusk.  
Montgomery.  
Pope.  
Robinson.  
Rogers.  
Rountree.  
Strickland.  
Thrasher.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.  
Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.  
Hull.  
Kemble.

LeSturgeon.  
McDaniel.  
McKean.  
Rowland.  
Russell  
of Callahan.  
Stell.  
Stewart of Reeves.  
Stiernberg.  
Stroder.

Mr. Jones offered the following amendment to the bill:

Amend House bill No. 313, page 4, lines 33 and 34, by striking out the words "in amounts to be fixed by the commission by general order or otherwise" and inserting in lieu thereof the following, "in the amount of not less than \$5000."

The amendment was adopted.

Mr. Patterson offered the following amendment to the bill:

Amend House bill No. 313 by striking out the enacting clause.

Mr. Moore moved to table the amendment by Mr. Patterson.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—54.

Abney.	Lackey.
Barker.	Lane.
Beasley.	Lewis.
Bell.	McNatt.
Brady.	Martin.
Burmeister.	Maxwell.
Carpenter of Dallas.	Melson.
Chitwood.	Montgomery.
Coffee.	Moore.
Crawford.	Morgan of Robertson.
Davenport.	Pinkston.
Dielmann.	Pool.
Dinkle.	Pope.
Driggers.	Price.
Duffey.	Robinson.
Dunn.	Rogers.
Durham.	Rountree.
Edwards.	Sackett.
Faubion.	Shearer.
Frnka.	Simpson.
Fugler.	Smith.
Gipson.	Sparkman.
Green.	Teer.
Hardin of Erath.	Vaughan.
Henderson of Marion.	Wells.
Johnson.	Williamson.
Jones.	Wilmans.

Nays—65.

Arnold.	Loftin.
Atkinson.	Looney.
Baker of Milam.	McBride.
Baldwin.	McDonald.
Barrett.	McFarlane.
Bonham.	Mathes.
Bryant.	Merriman.
Cable.	Merritt.
Carpenter of Matagorda.	Miller.
Carson.	Morgan of Liberty.
Carter of Coke.	Pate.
Carter of Hays.	Patterson.
Covey.	Perdue.
Cowen.	Potter.
Culp.	Purl.
Davis.	Quaid.
DeBerry.	Quinn.
Dodd.	Rice.
Downs.	Russell of Trinity.
Fields.	Sanford.
Finlay.	Shires.
Greer.	Stell.
Henderson of McLennan.	Stevens.
Howeth.	Stewart of Edwards.
Irwin.	Stewart of Jasper.
Jacks.	Storey.
Jennings.	Sweet.
Laird.	Thompson.
Lamb.	Thrasher.
LeMaster.	Turner.

Wallace.  
Westbrook.  
Wessels.

Wilson.  
Winfree.  
Young.

Present—Not Voting.

Dunlap.

Harris.

Absent.

Bird.  
Blount.  
Collins.  
Hendricks.

Lusk.  
Patman.  
Satterwhite.  
Strickland.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.  
Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.  
Hull.

Kemble.  
LeSturgeon.  
McDaniel.  
McKean.  
Rowland.  
Russell  
of Callahan.  
Stewart of Reeves.  
Stiernberg.  
Stroder.

Reason for Vote.

On the motion of Mr. Moore to table the motion to strike out the enacting clause, I voted "No" under a misapprehension as to the nature of the question.

FIELDS.

(Speaker in the chair.)

Mr. Moore moved that further consideration of the bill be postponed until 11 o'clock a. m. next Friday, and the motion was lost.

Mr. McFarlane moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Patterson, yeas and nays were demanded.

The amendment by Mr. Patterson, striking out the enacting clause of the bill, was adopted by the following vote:

Yeas—67.

Arnold.  
Atkinson.  
Baker of Milam.  
Baldwin.  
Barrett.  
Blount.  
Bonham.  
Bryant.  
Cable.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.

Carter of Hays.  
Covey.  
Cowen.  
Davis.  
DeBerry.  
Dodd.  
Downs.  
Duffey.  
Durham.  
Finlay.  
Harris.  
Henderson  
of McLennan.

Hendricks.  
Howeth.  
Irwin.  
Jacks.  
Jennings.  
Lackey.  
Laird.  
Lamb.  
Lane.  
LeMaster.  
Loftin.  
Looney.  
McBride.  
McDonald.  
McFarlane.  
McNatt.  
Mathes.  
Merriman.  
Merritt.  
Morgan  
of Liberty,  
Pate.  
Patterson.

Potter.  
Purl.  
Quaid.  
Quinn.  
Rice.  
Rogers.  
Russell of Trinity.  
Shires.  
Stevens.  
Stewart  
of Edwards.  
Stewart of Jasper.  
Storey.  
Sweet.  
Thompson.  
Turner.  
Wallace.  
Wells.  
Wessels.  
Wilson.  
Winfree.  
Young.

Nays—57.

Mr. Speaker.  
Abney.  
Barker.  
Beasley.  
Bell.  
Brady.  
Burmeister.  
Carpenter  
of Dallas.  
Chitwood.  
Coffee.  
Culp.  
Davenport.  
Dielmann.  
Dinkle.  
Driggers.  
Dunlap.  
Dunn.  
Edwards.  
Faubion.  
Fields.  
Frnka.  
Fugler.  
Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Henderson  
of Marion.  
Johnson.

Jones.  
Lewis.  
Martin.  
Maxwell.  
Melson.  
Montgomery.  
Moore.  
Morgan  
of Robertson.  
Patman.  
Perdue.  
Pinkston.  
Pool.  
Pope.  
Price.  
Robinson.  
Rountree.  
Sackett.  
Sanford.  
Satterwhite.  
Shearer.  
Simpson.  
Smith.  
Sparkman.  
Teer.  
Thrasher.  
Vaughan.  
Westbrook.  
Williamson.  
Wilmons.

Absent.

Bird.  
Collins.  
Crawford.

Lusk.  
Miller.  
Strickland.

Absent—Excused.

Amsler.  
Avis.

Baker of Orange.  
Bobbitt.

Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.  
Hull.  
Kemble.  
LeStourgeon.  
McDaniel.

McKean.  
Rowland.  
Russell  
of Callahan.  
Stell.  
Stewart of Reeves.  
Stiernberg.  
Stroder.

Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Henderson  
of Marion.  
Johnson.  
Jones.  
Laird.  
Lewis.  
McNatt.  
Martin.  
Melson.  
Montgomery.  
Moore.  
Morgan  
of Robertson.  
Pate.

Perdue.  
Pool.  
Pope.  
Price.  
Purl.  
Robinson.  
Rountree.  
Sackett.  
Satterwhite.  
Simpson.  
Smith.  
Teer.  
Thrasher.  
Vaughan.  
Westbrook.  
Williamson.  
Wilmans.

Mr. Mathes moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—63.

Abney.	Looney.
Arnold.	McBride.
Atkinson.	McDonald.
Baker of Milam.	McFarlane.
Baldwin.	Mathes.
Barrett.	Merriman.
Bonham.	Merritt.
Bryant.	Morgan
Cable.	of Liberty.
Carpenter	Patterson.
of Matagorda.	Pinkston.
Carson.	Potter.
Carter of Coke.	Quaid.
Covey.	Quinn.
Cowen.	Rice.
Davis.	Rogers.
DeBerry.	Russell of Trinity.
Dodd.	Sanford.
Duffey.	Shearer.
Durham.	Shires.
Finlay.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of McLennan.	Stewart of Jasper.
Hendricks.	Storey.
Howeth.	Sweet.
Irwin.	Thompson.
Jacks.	Turner.
Jennings.	Wells.
Lackey.	Wessels.
Lamb.	Wilson.
Lane.	Winfree.
LeMaster.	Young.
Loftin.	

## Nays—52.

Barker.	Culp.
Beasley.	Davenport.
Bell.	Dielmann.
Blount.	Dinkle.
Brady.	Driggers.
Burmeister.	Dunn.
Carpenter	Edwards.
of Dallas.	Faubion.
Chitwood.	Frnka.
Coffee.	Fugler.

## Present—Not Voting.

Carter of Hays.

## Absent.

Bird.	Miller.
Collins.	Patman.
Crawford.	Rowland.
Downs.	Russell
Dunlap.	of Callahan.
Fields.	Sparkman.
Lusk.	Strickland.
Maxwell.	Wallace.

## Absent—Excused.

Amsler.	Hull.
Avis.	Kemble.
Baker of Orange.	LeStourgeon.
Bobbitt.	McDaniel.
Hardin	McKean.
of Kaufman.	Stell.
Harrington.	Stewart of Reeves.
Houston.	Stiernberg.
Hughes.	Stroder.

## BILL ORDERED NOT PRINTED.

On motion of Mr. Wessels, House bill No. 494 was ordered not printed.

## HOUSE BILL NO. 103, WITH SENATE AMENDMENTS.

Mr. Dodd called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 103, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of an act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the Sheppard-Towner Act; providing



that the work shall be carried on through the State Board of Health through its bureau of child hygiene."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Dodd, the House concurred in the Senate amendments.

#### HOUSE BILL NO. 274 ON SECOND READING.

On motion of Mr. Moore, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 274, A bill to be entitled "An Act to amend Sections 2 and 3 of Chapter 190 of the Acts of 1917, and adding Section 3a, increasing the term of office for the members of the Board of Highway Commission from two to six years, so that one term of office will expire each two years, and providing compensation of \$2500 per year for members of said commission."

The Speaker laid the bill before the House and it was read second time.

On motion of Mr. Moore, further consideration of the bill was postponed until 11 o'clock a. m. next Friday.

#### HOUSE BILL NO. 45 ON ITS SECOND READING.

On motion of Mr. Faubion, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 45, A bill to be entitled "An Act to prevent the selling of bass, white perch, crappie, channel or other catfish in the counties of Burnet, Llano, San Saba, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Blanco, Gillespie, Kimble, Sutton, Kinney, Uvalde, Real, Kerr, Val Verde, Bandera, Kendall, Comal, Reeves, Ward, Loving, and Pecos, State of Texas; prohibiting the use of any seine, net, trap or other device for taking or catching fish other than a minnow seine which shall not be more than twenty feet in length; limiting the size of fish which may be taken with a minnow seine; making it unlawful to violate any of the provisions of this law, and providing penalties for the violations thereof; providing that the district judge of the judicial districts in which these counties are situated shall give a special charge upon this law to the grand juries of said counties, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Thrasher offered the following amendment to the bill:

Amend House bill No. 45, line 28, page 1, by adding after the word "Pecos," the words "Travis, Bastrop and Lampasas."

The amendment was adopted.

Mr. Faubion offered the following amendment to the bill:

Amend House bill No. 45, page 1, line 28, by adding the following named counties after the word "Pecos:" "Medina, Cherokee, Hunt, Runnels, Rains, Kimble, Williamson, Houston, Zavalla, Dimmit, Wood, Burleson, Lee, and Milam," and amend the caption to conform to the amended bill.

The amendment was adopted.

Mr. McDonald offered the following amendment to the bill:

Amend by striking out Walker.

The amendment was adopted.

Mr. Faubion offered the following amendment to the bill:

Amend House bill No. 45, page 1, line 24, by adding the words "caught, trapped or ensnared" after the word "catfish."

The amendment was adopted.

Mr. Faubion offered the following amendment to the bill:

Amend House bill No. 45, page 1, line 28, by striking out the words "caught, trapped or ensnared."

The amendment was adopted.

Mr. Thrasher offered the following amendment to the bill:

Amend House bill No. 45, line 12, page 1, by adding after the word "Pecos," the words "Travis, Bastrop and Lampasas."

The amendment was adopted.

Mr. Johnson offered the following amendment to the bill:

Amend House bill No. 45 by striking out the counties of Blanco, Kendall and Llano, from the bill.

The amendment was adopted.

Mr. Wells offered the following amendment to the bill:

Amend House bill No. 45, line 24: Strike out the words "channel or other catfish" and amend caption likewise.

On motion of Mr. Stewart of Edwards the amendment was tabled.

House bill No. 45 was then passed to engrossment.

HOUSE BILL NO. 45 ON THIRD  
READING.

Mr. Thrasher moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111.

Abney.	Jones.
Arnold.	Laird.
Atkinson.	Lamb.
Baker of Milam.	Lane.
Baldwin.	LeMaster.
Barker.	Lewis.
Barrett.	McBride.
Beasley.	McDonald.
Bell.	McFarlane.
Blount.	McNatt.
Bonham.	Martin.
Brady.	Maxwell.
Bryant.	Melson.
Burmeister.	Merritt.
Cable.	Miller.
Carpenter	Montgomery.
of Matagorda.	Morgan
Carson.	of Liberty.
Carter of Coke.	Pate.
Carter of Hays.	Patman.
Coffee.	Patterson.
Covey.	Perdue.
Cowen.	Pinkston.
Culp.	Pool.
Davenport.	Potter.
Davis.	Price.
DeBerry.	Purl.
Dielmann.	Quaid.
Dinkle.	Quinn.
Dodd.	Rice.
Downs.	Robinson.
Driggers.	Rogers.
Duffey.	Rountree.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Durham.	Sanford.
Edwards.	Satterwhite.
Faubion.	Shearer.
Fields.	Shires.
Finlay.	Simpson.
Frnka.	Smith.
Fugler.	Sparkman.
Gipson.	Stevens.
Green.	Stewart
Greer.	of Edwards.
Hardin of Erath.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of Marion.	Storey.
Henderson	Sweet.
of McLennan.	Teer.
Howeth.	Thompson.
Irwin.	Thrasher.
Jacks.	Turner.
Johnson.	Wallace.

Wells.  
Westbrook.  
Wessels.  
Williamson.

Wilmans.  
Wilson.  
Winfree.  
Young.

Nays—4.

Jennings.  
Looney.  
Merriman.

Morgan  
of Robertson.

Absent.

Bird.  
Carpenter  
of Dallas.  
Chitwood.  
Collins.  
Crawford.  
Harris.  
Hendricks.

Lackey.  
Loftin.  
Lusk.  
Mathes.  
Moore.  
Pope.  
Strickland.  
Vaughan.

Absent—Excused.

Amsler.  
Avis.  
Baker of Orange.  
Bobbitt.  
Hardin  
of Kaufman.  
Harrington.  
Houston.  
Hughes.  
Hull.

Kemble.  
LeStourgeon.  
McDaniel.  
McKean.  
Rowland.  
Russell  
of Callahan.  
Stell.  
Stiernberg.  
Stroder.

The Speaker then laid House bill No. 45 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Abney.  
Arnold.  
Atkinson.  
Baker of Milam.  
Baldwin.  
Barker.  
Barrett.  
Beasley.  
Bell.  
Blount.  
Bonham.  
Brady.  
Bryant.  
Burmeister.  
Cable.  
Carpenter  
of Matagorda.  
Carter of Coke.  
Carter of Hays.  
Coffee.  
Covey.  
Cowen.  
Culp.  
Davenport.  
Davis.

DeBerry.  
Dielmann.  
Dinkle.  
Dodd.  
Driggers.  
Duffey.  
Dunlap.  
Dunn.  
Edwards.  
Faubion.  
Finlay.  
Frnka.  
Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Henderson  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Howeth.  
Irwin.  
Jacks.  
Jennings.

Johnson.	Quinn.
Jones.	Rice.
Lackey.	Robinson.
Laird.	Rogers.
Lamb.	Rountree.
LeMaster.	Russell of Trinity.
Lewis.	Sackett.
Loftin.	Sanford.
McBride.	Satterwhite.
McDonald.	Shearer.
McNatt.	Shires.
Martin.	Simpson.
Maxwell.	Smith.
Melson.	Sparkman.
Merriman.	Stewart
Merritt.	of Edwards.
Miller.	Stewart of Jasper.
Montgomery.	Stewart of Reeves.
Moore.	Sweet.
Morgan	Teer.
of Liberty.	Thompson.
Morgan	Thrasher.
of Robertson.	Turner.
Pate.	Wells.
Patman.	Westbrook.
Patterson.	Wessels.
Perdue.	Williamson.
Pinkston.	Wilman.
Potter.	Wilson.
Price.	Winfree.
Purl.	Young.
Quaid.	

Nays—1.

Carson.

Absent.

Bird.	Looney.
Carpenter	Lusk.
of Dallas.	McFarlane.
Chitwood.	Mathes.
Collins.	Pool.
Crawford.	Pope.
Downs.	Stevens.
Durham.	Storey.
Fields.	Strickland.
Fugler.	Vaughan.
Harris.	Wallace.
Lane.	

Absent—Excused.

Amsler.	Kemble.
Avis.	LeSturgeon.
Baker of Orange.	McDaniel.
Bobbitt.	McKean.
Hardin	Rowland.
of Kaufman.	Russell
Harrington.	of Callahan.
Houston.	Stell.
Hughes.	Stiernberg.
Hull.	Stroder.

# BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice there-

of and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 173, "An Act amending Section 1, Chapter 27, page 38, Acts of the Regular Session, Thirty-second Legislature of the State of Texas of 1911, and being Article 7059a of Title 120 of the Revised Statutes of Texas, relating to traveling and other expenses of judges of the district courts and district attorneys when in the actual discharge of their official duties in any county other than the county of their residence; providing for the payment of such expenses by the State upon sworn itemized accounts of such officers; providing for recording such accounts in the minutes of the district court of the county in which such officer resides, and declaring an emergency."

S. B. No. 52, "An Act to regulate the business of banking in this State when conducted by concerns operating under charters obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters 1 to 6, Title 14, Vernon Sayles' Revised Statutes of Texas, declaring that from and after the passage of this act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any banking institution or private banking business within this State, preserving the rights of those who at the time this act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their names or part of their name on any sign, advertising or letterhead, or envelope, the words bank, banker, banking, banking company, trust company, bank and trust company, savings bank, savings or any other terms which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State, making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association of persons, or partnerships, or the member or one or more of the members of any institu-

tion operating under a common law declaration of trust in the management, conduct or operation of same; providing, however, that the provisions of this act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution, and the filing for record with the county clerk of the county in which the principal business of said institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms 'financial responsibility,' making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency."

S. B. No. 165, "An Act creating the Boyce Independent School District in Ellis county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, duties and liabilities now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain

in full force and effect, and declaring an emergency."

H. C. R. No. 14, Relating to display of the American flag on Mothers' Day.

#### HOUSE BILL NO. 111 ON SECOND READING.

On motion of Mr. Lackey, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 111, A bill to be entitled "An Act to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; the appointment of deputy game, fish and oyster commissioners, prescribing their duties and compensations; making provisions for the creation of a special game fund and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws and all laws, general and special, in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Lackey offered the following amendment to the bill:

Amend House bill No. 111 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. All the wild animals, wild birds, wild fowl within the borders of this State are hereby declared to be the property of the people of this State.

Sec. 2. Wild turkeys, wild ducks, wild geese, wild grouse, wild brant, wild prairie chickens or pinnated grouse, wild pheasants, wild partridges, and wild quail of all varieties, wild pigeons of all varieties, wild doves of all varieties, wild snipe of all varieties, wild shore birds, and wild Mexican pheasants known as "chacalaca," and wild plover of all varieties are hereby declared to be game birds within the meaning of this act.

Sec. 3. Any person who shall sell, or offer for sale, or any person who shall buy or offer to buy, or any person who shall have in his or her possession for the purpose of sale, or any person who shall have in his or her possession after purchase has been made either by himself or others, any of the birds or fowls enumerated and set forth in Section 2 of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall

be fined not less than ten dollars, nor more than one hundred dollars, and the sale or purchase, or the offer of sale or purchase, or the possession for the purpose of sale, or the possession of each bird after a purchase and sale shall be a separate offense.

Sec. 4. It shall be unlawful for any person to have in his or her possession at any one time more than seventy-five of all of the kinds of wild birds or wild fowl enumerated in Section 2 of this act—all species to be considered in making up the limit of seventy-five; provided the provisions of this section shall not apply to transportation companies which have in their possession, for the purpose of transportation, such wild fowls and wild birds, where the provisions of Sections 21 and 22 of this act have been complied with; nor to owners, agents, managers or receivers of cold storage plants which receive wild game for storage; provided it shall be unlawful for the owner, agent, manager or receiver of such cold storage plants to receive or have in storage at any one time, for themselves or any person, more than a total of seventy-five of the wild game birds mentioned in Section 2 of this act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than fifty nor more than two hundred dollars, and the possession of each bird or fowl over the number of seventy-five shall be deemed a separate offense.

Sec. 5. In order to divide the State for the purpose of better regulating the open and closed seasons for the hunting of the wild game birds and wild game animals, a line following the center of the main track of the International & Great Northern Railroad beginning at Laredo and running thence to San Antonio, thence to Austin, thence to Longview and thence following the center of the main track of the Texas & Pacific Railroad to Texarkana shall constitute a division of the north and south hunting zones of the State. All that portion of the State lying northwesterly of said line shall be known as the North Zone, and all that portion of the State lying southeasterly of said line shall be known as the South Zone.

Sec. 6. The open season for hunting or killing wild turkeys in both the north and south zones shall be during the months of November and December, provided that it shall be unlawful for

any person to hunt, or attempt to hunt, or to kill wild turkey hen, or to kill more than three wild turkey gobblers during any one year; and any person violating the provisions of this section of the law shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars, and each turkey hen killed shall be a separate offense. The possession of a turkey with gunshot wounds in its body shall be prima facie evidence that said turkey is a wild turkey.

Sec. 7. The open season for taking, hunting or killing wild game birds or fowl, other than wild turkey, in the North Zone shall be as follows:

For wild ducks of any kind, wild brant, wild geese, wild Wilson snipe or jacksnipe, wild coot and wild gallinule, from October 1st to January 15th of each year, both days inclusive.

For wild black-bellied plover and yellow-legs, from October 16th to January 31st of each year, both days inclusive.

For wild rail, other than coot and gallinule, from October 16th to November 30th of each year, both days inclusive.

For wild quail, wild doves of all kinds and wild "chacalaca" or Mexican pheasant, from September 1st to October 31st of each year, both days inclusive.

The open season for taking, hunting or killing wild game birds or fowls, other than wild turkey, in the South Zone, shall be as follows:

For wild ducks of any kind, wild brant, wild geese, wild Wilson snipe or jacksnipe, wild coot and wild gallinule, from November 1st to February 15th of each year, both days inclusive.

For wild black-bellied plover and yellow-legs, from October 16th to January 31st of each year, both days inclusive.

For wild rail, other than coot and gallinule, from October 16th to November 30th of each year, both days inclusive.

For wild quail, wild doves of all kinds, and wild "chacalaca" or Mexican pheasants, from October 1st to November 30th of each year, both days inclusive.

Sec. 8. It shall be unlawful for one person to take, kill or possess more than the bag limit of fifteen quail, doves and "chacalaca" or Mexican pheasant, in one day. Each variety of these shall be considered in making up the limit.

Provided further that it shall be un-

lawful to take, kill or possess more than the bag limit of twenty-five in any one day of wild ducks of all kinds, Wilson snipe or jacksnipe, coot, gallinule and rails, or the bag limit of eight in any one day of each of the species of wild geese, wild brant; provided further that the aggregate of twenty-five of all of the above-mentioned species of birds shall be the bag limit for any one day. Provided further that it shall be unlawful to hunt or kill any wild ducks for a period of five years from the date of the enactment of this law.

Provided further that it shall be unlawful to hunt, kill or possess or attempt to hunt or kill any wild pigeon for a period of five years from the date of the enactment of this law.

Sec. 9. It shall be unlawful to hunt, kill or take, or attempt to hunt, kill or take any of the birds or fowls enumerated in Section 2 of this act, except during the open season as fixed by this act for each kind of bird or fowl, and if any person shall hunt, kill or take, or attempt to hunt, kill or take, or have in his possession any of the birds or fowls enumerated and named in Section 2 of this act, at any time of the year except during the open season as provided for in this act, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than twenty-five dollars, nor more than two hundred dollars.

Sec. 10. If any person shall kill in any one day any more than the daily bag limit of any of the game birds or fowls enumerated in Section 2 of this act he shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and each bird or fowl killed in excess of the bag limit shall constitute a separate offense.

Sec. 11. The term "closed season" shall mean the period of time in which it is unlawful to hunt, kill or take or attempt to hunt, kill or take any of the game, animals, birds and fowls enumerated in this act; and the term "open season" shall mean the period of time in which it is lawful to take and kill game, animals, birds and fowl permitted to be killed in one day during the open season for such game, birds, animals and fowl.

Sec. 12. It shall be unlawful for any person to hunt, kill, take or attempt to hunt, kill or take, or to have in his possession within the period of five years from the passage of this act any wild

woodcock, wild wood duck, wild prairie chicken or wild pheasant (except chacalaca) or pinnated grouse; and any person so hunting or attempting to hunt or killing or having in his possession any wild woodcock, wild wood duck, wild prairie chicken or wild pheasant (except chacalaca), or pinnated grouse, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and each bird killed or possessed shall constitute a separate offense.

Sec. 13. The possession, or the sale, or the purchase, or the possession after sale, or the possession for the purpose of sale, of any fowl or bird or game quadruped as interdicted by this act shall apply to any bird or quadruped coming from without the State, and in prosecutions for violations of this act it shall be no defense that such bird or quadruped was not taken or killed within this State.

Sec. 14. It shall be unlawful to bring into this State for any purpose whatever, during the closed season, either alive or dead, any kind of wild game bird or fowl or quadruped enumerated in this act, or to bring into this State for sale or exchange or barter or shipment, for sale, any such birds or quadrupeds or fowls during the open season as set out in this act, except as provided in Section 49 of this act. Any person bringing such game birds or fowls or quadrupeds into the State during the closed season or bringing such game birds or fowls or quadrupeds for sale or barter or shipment for sale during the open season, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than ten dollars nor more than two hundred dollars. The bringing in of each bird or fowl or animal or quadruped herein interdicted is hereby declared to be a separate offense.

Sec. 15. It shall not be unlawful to ship or bring any wild game animals or wild game birds from the Republic of Mexico into this State at such season and in such quantities as provided by the laws of the State of Texas covering the possession of such game in Texas. Provided, that the party bringing the same into this State shall procure from the Game, Fish and Oyster Commissioner, or one of his deputies, a permit to bring same into the State, and shall procure from the United States custom officer at the port

of entry a statement showing that such game was brought from the Republic of Mexico; and provided further, that such party comply with the provisions of Sections 21 and 22 of this act regulating the shipment and sale of such wild game, birds and animals.

Sec. 16. It shall be unlawful to hunt, kill, capture or to attempt to hunt, kill or capture wild ducks, geese or brant by any means other than the ordinary gun not to exceed 10 gauge, capable of being held to and shot from the shoulder, and any person taking ducks or geese, or brant by snares, dead-falls, pens or other trap devices, or who shall hunt, kill or capture, or attempt to hunt, kill or capture ducks or geese or brant by means other than the ordinary gun not to exceed 10 gauge, capable of being held to the shoulder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and the killing or taking of each duck or goose or brant shall be deemed a separate offense.

Sec. 17. It shall be unlawful to kill, hunt or to shoot at any wild turkey, wild dove, wild quail, wild chacalaca, wild duck, wild goose or brant between sunset and one-half hour before sunrise in any county of this State, and any person killing such wild game between such hours shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and each bird so killed shall constitute a separate offense.

Sec. 18. It shall be unlawful for any person to destroy or take the eggs or young of any bird which is protected against being killed or taken by this statute; except as provided for in Section 49 of this act, and any person destroying or taking such eggs, or young, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars.

Sec. 19. It shall be unlawful, without first obtaining permission from the Game, Fish and Oyster Commissioner in writing, for any person to net, trap, ensnare or otherwise take or attempt to take, any birds mentioned in Sections 2 and 28 of this act, and any person who sets a net or trap or other device for taking such birds, or snares or takes or attempts to take by such devices or by any means whatsoever other than by a gun of not over 10 gauge

such birds mentioned, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than ten dollars nor more than one hundred dollars, and each bird so taken shall constitute a separate offense.

Sec. 20. It shall be unlawful for any person to hire or employ any other person by the payment of money, or any other thing of value, or by promise of the payment of money or any other thing of value, or to receive money or other thing of value to hunt, or attempt to hunt or assist in hunting, for any other person. And any person so hiring or employing any other persons to hunt, or attempt to hunt, or assist in hunting, any wild birds mentioned in Section 2, or any wild animals mentioned in Sections 33, 37, 38 or 40 of this act, or any person receiving any money or any other thing of value or the promise of money or any other thing of value, to hunt or attempt to hunt any wild bird, game or animal mentioned in this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than fifty dollars nor more than one hundred dollars. Provided, that if any person who has received money or other thing of value to hunt any wild bird, game or animal mentioned in this act, or a promise of money or other thing of value to hunt any wild bird, game or animal mentioned in this act, shall testify against the person employing him by the payment or the promise of payment of money or other thing of value to hunt any wild bird, game or animal mentioned in this act—all prosecutions against him in the case in which he testified shall be dismissed.

Sec. 21. Any person shall have the right to ship or carry to and from a taxidermist or tannery, for mounting or preserving purposes, any specimen or part of specimen of any quadruped or wild game bird or fowl killed by him, or any bird, fowl or animal protected by the laws of this State. But before such shipment to or from such taxidermist or tannery is made, he must furnish the agent of the transportation company the following affidavit in writing before some officer authorized by law to administer oaths, and deliver same to said railroad or common carrier, or to an agent of the railroad or common carrier, at point of shipment, and upon the filing of the affidavit such parties shall be permitted to transport to a taxidermist or tannery for mount-

ing or preserving purposes any wild game bird or animal, or part thereof, when such bird or animal is permitted to be possessed, in which he shall declare that he killed such specimen, and that he sends it to a taxidermist or tannery, naming him and his place of business, and that he is not preserving such specimen for sale:

State of Texas,  
County of.....

Before me, the undersigned authority, on this day personally appeared.....

....., who, after being by me duly sworn, deposes and says that he legally killed the following specimens

..... which he is sending to....., a taxidermist (or tannery) at....., and that he is not preserving said specimens for sale.

Sworn to and subscribed before me this.....day of....., A. D. 19....

And any person shipping such specimens without making such affidavit and furnishing it to the agent of the transportation company, and any agent of a transportation company or taxidermist receiving such specimen without such affidavit shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars, nor more than one hundred dollars.

Sec. 22. Nothing in this act shall be construed to prohibit the carrying, transportation or shipment of any of the game, birds or fowls mentioned in this act, when lawfully taken or killed, from the place of shipment to the home of the person who killed same; providing further that the person desiring to ship or transport said game, birds or fowl shall first make the following affidavit in writing before some officer authorized to administer oaths and deliver same to said railroad or common carrier at the point of shipment and upon filing the affidavit, such parties shall be permitted to transport or transmit to his home any wild game or birds, when such number is permitted to be killed and possessed, of the kind offered for shipment:

State of Texas,  
County of.....

Before me, the undersigned authority, on this day, personally appeared..... who, after being duly sworn upon oath, says: I live at....., in the county of....., State of....., that I

have personally killed....., which I desire to ship from....., in..... county, to my home, which game I killed for my own use and not for sale, and same shall not be bartered or sold: that I have not killed more than the bag limit as provided by law of any wild game, animals or wild birds during the present hunting season.

Sworn to and subscribed before me this.....day of..... A. D., 19....

Sec. 23. The affidavit thus prepared by the affiant shall be attached to the shipment, and shall not be removed during the period of transportation. If such game is carried by the person killing it, it shall not be necessary to attach the affidavit as hereinbefore provided. Any person who so ships any game from any place within this State without making the foregoing affidavit, any agent or transportation company or agent of any express company who receives such shipment without it is accompanied by such affidavit, and list attached, or any auditor or conductor, or other person in charge of any railroad train or transportation company who knowingly permits any person to carry any game birds or game fowls or game wild animals or quadrupeds, without such affidavit is made as heretofore provided, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. And all express agents and all conductors and auditors of trains, and all captains of boats licensed under Section 29 of this act, and the Game, Fish and Oyster Commissioner and his deputies are hereby empowered to administer oaths necessary to the shipment of game and for administering such oaths they are hereby authorized to collect twenty-five cents from the person making such oaths.

Sec. 24. Any person who shall hunt under the license issued to any other person, or any person who shall permit any other person to hunt under a license issued to him shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

Sec. 25. Whenever any wild birds, or fowls, or wild animals or quadrupeds are destroying crops, the Game, Fish and Oyster Commissioner is hereby authorized to permit the killing of such wild birds or fowls, or wild animals or quadrupeds without reference to the



open or closed season and bag limit, or without reference to night shooting, but before such permission shall be granted, the commissioner aforesaid shall be furnished with a statement of facts sworn to be the party seeking such permit, with the endorsement of the county judge, to the fact that such crops are being destroyed and can only be preserved by the granting of such permit to kill such wild birds, wild fowl, wild animals or wild quadrupeds. Such permit, when issued, shall distinctly state the time for which it is granted, and shall entitle only the owner of said crops and his legitimate employes to kill such obnoxious game birds and animals. Such permit shall not issue for the killing of migratory birds protected by Federal Migratory Bird Treaty Act unless the applicant shall first procure a permit from the United States Department of Agriculture, in compliance of Regulation 10 of the Migratory Bird Treaty Act Regulation.

Sec. 26. It shall be unlawful to take or destroy any nest or egg of any wild birds or wild fowl, mentioned in this act, as a game wild bird or wild fowl, except as provided for in Section 49 of this act, and any person taking or destroying a nest or egg of such wild birds shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars.

Sec. 27. All wild birds, wild fowl, wild animals or wild quadrupeds which have been killed or taken in any way or shipped, or which have been held in storage or have been found in restaurants contrary to the laws of this State shall be seized without warning by the Game, Fish and Oyster Commissioner, or his deputy, and disposed of by the order of the Game, Fish and Oyster Commissioner, or by his deputy, by donating same to charitable institutions or hospitals, or to needy widows or orphans. If such birds, fowls and animals mentioned are required to be placed in cold storage, the expense for storage of such birds, fowls or animals shall be placed in a bill of cost against the defendant, or person from whom they were taken, on his conviction. And the Game, Fish and Oyster Commissioner, or any of his deputies shall have power without warrant to search the game bag or any other receptacle of any kind whenever such Game, Fish and Oyster Commissioner, or his deputy has reason to sus-

pect that such game bag, or other receptacle or any buggy, wagon, automobile or other vehicle may contain game unlawfully killed or taken, and any person who refuses to stop such vehicle when requested to do so by the Game, Fish and Oyster Commissioner or his deputy, or any person who refuses to permit the search of their vehicle, after being advised as to the official capacity in which the officer acts, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Sec. 28. If any person shall wilfully kill or injure, or if any person shall take or destroy the nest or egg of any mocking bird, nighthawk (known as the bull-bat), bluebird, redbird, finch, thrush, linnet, wren, martin, robin, swallow, catbird, nonpareil, scissortail, white or brown heron or sparrow hawk, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars.

Sec. 29. It is hereby declared unlawful for any person owning or navigating any sail or power boat to receive on board such boat for pay or hire any persons engaged in hunting, before such persons navigating or owning such boat shall have applied for and received a license from the Game, Fish and Oyster Commissioner, or his deputy, granting him the right for one year to receive and carry persons engaged in hunting. Before such license is issued the person applying for it shall pay to the Game, Fish and Oyster Commissioner or his deputy five dollars, and shall file with such Game, Fish and Oyster Commissioner, or his deputy, the name of his vessel, her motive power, the power of her engine or motors, her accommodations for passengers, the number of her crew, the price to be charged per diem for the hire of such boat, and shall file with the Game, Fish and Oyster Commissioner, or his deputy, an affidavit that he will not violate any of the provisions of this act, and will endeavor to prevent anyone whom he carries on his boat from violating any of the provisions of this act, and that he will not carry on his boat any hunter without his hunting license, and that on his return from carrying out any hunting party he will file with said commissioner, or his deputy, a statement embracing the names of those he carried out, their resi-

dences, and the number and kind of game killed by each of them on each day, and the disposition of such game. It shall be the duty of the Game, Fish and Oyster Commissioner, or his deputy, if he grants the license, to furnish the person licensed with a condensed statement of birds or fowls or animals which can be killed, together with the statement of the open and closed season, which the owner of such license shall post in the cabin of his boat, or in some prominent part of his boat for the whole time of his license. The Game, Fish and Oyster Commissioner is empowered to enforce the provisions of this section. He is empowered to cancel the license without a refund or return of the license tax paid; and no license shall be renewed or issued to him thereafter for one year whenever any boat owner or navigator refuses or fails to comply with the provisions of this section. Any person who carries out any hunting parties for reward or hire of any kind without procuring his license as provided for in this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than two hundred dollars.

Sec. 30. It shall be unlawful for any person to hunt, take, kill or wound, or to attempt to take, kill, hunt or wound any wild deer, except in the months of November and December; and any person taking or attempting to take or killing or hunting or wounding a deer at any other time of the year shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Sec. 31. Any person who shall hunt, take or kill, or attempt to hunt, take or kill any deer between sunset and one-half hour before sunrise shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Sec. 32. It shall further be unlawful for any person at any time of the year to hunt or attempt to hunt deer or other game mentioned in this act by the aid of what is commonly known as a hunting lamp or lantern, or by an artificial light attached to an automobile, or by the means of any form of light or lantern, and any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of

not less than fifty dollars nor more than two hundred dollars, or by confinement in the county jail of not less than thirty days nor more than ninety days, or by both such fine and imprisonment. The possession of a headlight or hunting lamp, when the hunter is afield in a community where deer are known to range, between sunset and one-half hour before sunrise, shall be prima facie evidence that the party found in possession of said lamp or lantern is violating this section.

Sec. 33. It shall be unlawful for any person to kill more than two buck deer in any one season, or to kill a buck deer with horns less than two inches in length; said season being November and December of each year, and any person killing more than that number shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars. Each buck killed above two shall constitute a separate offense.

Sec. 34. It shall be unlawful for any person at any season of the year to kill, take, trap, ensnare or possess any wild female deer or fawn, dead or alive, within this State, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars. Provided, that for the purposes of this act any male deer with horns less than three inches in length shall be considered a fawn. The possession of a deer, or a deer hide, with all evidence of sex removed shall be prima facie evidence that the party in possession of such deer, or deer hide, has violated this section by killing a female deer or fawn.

Sec. 35. It shall be unlawful to ship any dead wild deer, or any part thereof, by a common carrier without the person shipping same shall make the affidavit prescribed in Section 21 or 22 of this act, and any person shipping or receiving for shipment as the agent for any transportation company, any dead wild deer or part thereof, without affidavit being furnished him, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than ten dollars nor more than one hundred dollars, and any transportation company carrying such deer or any part thereof without the affidavit set forth in Section 21 or 22, or the owner of

any boat or vessel or the corporation owning any such vessel or boat transporting such deer or any part thereof, shall, upon conviction, be fined not less than one hundred dollars nor more than eight hundred dollars. And to recover this penalty the Game, Fish and Oyster Commissioner is required, through any county or district attorney or the Attorney General, to bring suit against such transportation company, owner of boat or the corporation or firm owning such boat, for the recovery of same. And the venue for the trial shall be either in any county of this State in which the transportation company operates, or in Travis county, Texas.

Sec. 36. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting, pursuing or taking of deer. Any person or persons owning or controlling any dog or dogs used knowingly, who permits or allows such dog or dogs to run, trail or pursue any deer at any time shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than twenty-five dollars nor more than two hundred dollars.

Provided nothing in this section shall prohibit the use of one dog only in the pursuit of a wounded buck deer. Any dog or dogs found running, trailing or pursuing any deer are hereby declared to be public nuisances and may be killed at such times by any game commissioner or peace officer, and no suit or prosecution shall be maintained against them therefor.

Sec. 37. Any person who shall kill or take or have in his possession any wild antelope, or rocky mountain sheep within five years from the passage of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

Sec. 38. It shall be unlawful for any person to take, or hunt or kill, or have in his possession any wild squirrel, except during the months of June, July, August, September, October, November and December of each year, and any person taking or hunting or killing, or having in his possession any wild squirrel at any other time of the year shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than fifty dollars.

Sec. 39. It shall be unlawful for

any person to take or kill more than the bag limit of ten wild squirrels in one day, and any person taking or killing or having in his possession more than ten squirrels in any one day shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than ten dollars nor more than fifty dollars.

Sec. 40. It shall be unlawful for any person to take, kill or wound, or attempt to take, kill or wound, or have in his or her possession any wild collared peccary, commonly known as javaline, dead or alive, except in the months of November and December, and any person taking, killing or wounding, or attempting to take, kill or wound, or having in possession, dead or alive, any collared peccary, commonly known as javaline, at any other time of the year shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

Sec. 41. It shall be unlawful for any person to kill more than three collared peccary, commonly known as javaline, in any one season, said season being the months of November and December, and any person killing more than this number in any one season shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than ten dollars nor more than one hundred dollars.

Sec. 42. All license fees and hunting boat registration fees collected under this act, and all fines, penalties and forfeitures of bonds imposed and collected for violation of any of its provisions shall belong to the special game fund of this State and shall be paid over by the Game, Fish and Oyster Commissioner to the State Treasurer during the first week of each month, and shall be credited to the special game fund, and such fund shall be used solely for the purpose of wild bird and game protection, for the creation, purchase and maintenance of game sanctuaries and public hunting grounds; for the purchase, introduction, propagation and distribution of game and wild birds; for the dissemination of information pertaining to the conservation of wild animal life; and in the employment of special game commissioners, payment of their necessary expenses, and the purchase and supply of means to enable such commissioner and special deputy game commissioners to enforce the game laws. All such expenditures

shall be verified by affidavits to the Game, Fish and Oyster Commissioner, and on the approval of such expenditures by the Game, Fish and Oyster Commissioner, or the chief deputy game, fish and oyster commissioner it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, to be paid out of the special game fund. All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into the said fund, through or because of this act, are made available as soon as paid into the State Treasury, and are hereby specifically appropriated to the use of the Game, Fish and Oyster Commissioner for the several purposes before mentioned. Provided that no expenditures shall be made or obligations incurred by the Game, Fish and Oyster Commissioner from the revenues herein specified except upon the authorization of a majority vote of a commission composed of the Game, Fish and Oyster Commissioner, the Attorney General of the State of Texas, and the State Superintendent of Education, who shall act on this commission during their various terms of office.

Sec. 43. At no time shall any warrant be issued or payment made for the enforcement of the game laws, employment of special game commissioners and deputy game commissioners, or the furnishing of means to enforce such laws, or for the conservation or propagation of game of any kind, except on and from the special game fund herein provided for.

Sec. 44. All special deputy game commissioners and deputy game commissioners are hereby required to enforce the game, fish and oyster laws of this State, and any such deputy who violates such laws shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than one hundred dollars nor more than two hundred dollars.

Sec. 45. It shall be the duty of the Game, Fish and Oyster Commissioner to appoint special deputy game commissioners who shall be ex-officio deputy game, fish and oyster commissioners with all the powers of the latter, to enforce the game, fish and oyster laws of this State. Such special deputy game

commissioners shall not receive more than one hundred and twenty-five dollars per month and expenses, each to be paid out of the special game fund on the approval of the Game, Fish and Oyster Commissioner or his chief deputy. Such special deputy game commissioner shall take the oath of office and shall give a good and sufficient bond in the sum of one thousand dollars for the faithful performance of his duties. Such special game commissioners shall hold their offices at the discretion of the Game, Fish and Oyster Commissioner, and have all the power in the discharge of their duties as are conferred on the Game, Fish and Oyster Commissioner.

Sec. 46. The Game, Fish and Oyster Commissioner shall also have power to appoint deputy game commissioners in several counties of the State, who shall have the same power and authority as herein provided for the Game, Fish and Oyster Commissioner, and shall be subject to the supervision and control of, and removal by, the said Game, Fish and Oyster Commissioner. Such deputy game commissioners shall receive three dollars per day for each day's service performed and all necessary expenses incurred, on a sworn account, when ordered to perform said services by the Game, Fish and Oyster Commissioner or his chief deputy, or by a special deputy game commissioner, which account shall be approved by the Game, Fish and Oyster Commissioner, or chief deputy, and paid out of the special game fund in the State Treasury on warrant drawn by the State Comptroller. Such deputy Game, Fish and Oyster Commissioner may be ex-officio Fish and Oyster Commissioner whenever the Game, Fish and Oyster Commissioner shall so designate them.

Sec. 47. Any person who shall buy any game bird or animal, the sale of which is prohibited by this act, for the purpose of establishing testimony, shall not be prosecuted for such purchase, and a conviction may be had upon the uncorroborated testimony of such purchasers.

Sec. 48. The possession of any wild game bird or any wild game fowl, or any wild game animal mentioned in this act, during the time when killing or taking is prohibited, either dead or alive, shall be prima facie evidence of the guilt of the person in possession, charged with having killed or taken such bird

or animal during the time when killing or taking is prohibited by law.

Sec. 49. Provided nothing in this act shall prevent the capture of wild birds or wild fowl, or wild animals or wild quadrupeds for zoological gardens or parks or for propagation purposes, or taking eggs of wild birds and wild fowl for scientific purposes or public museums, but before any birds, fowl, animals, quadrupeds or eggs are taken, permission from the Game, Fish and Oyster Commissioner must be secured for the person desiring to secure them, making an application in duplicate for the same, with an affidavit setting forth what birds, fowls, eggs, animals and quadrupeds, and the number that he desires, and the purposes for which he desires them. And if any person desires to bring into this State any wild birds or wild animals he shall apply to the Game, Fish and Oyster Commissioner for permission to do so, attaching to such application an affidavit of the number and kinds of birds or animals desired to be introduced, and the Game, Fish and Oyster Commissioner may refuse the application in either case if, in his judgment, such application is not satisfactory. And if any person shall violate any provision of this section, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. The Game, Fish and Oyster Commissioner shall at all times have power to take, keep and transport to and within the State any of the wild birds, wild fowls, and eggs thereof, and wild animals for propagation, investigation and distribution.

Sec. 50. It shall be unlawful for any citizen of this State to hunt or attempt to hunt with a gun without first having procured from the Game, Fish and Oyster Commissioner, or one of his deputies, or from a county clerk, a license to hunt, and for which he shall pay to the officer from whom he secures such license the sum of one dollar and fifty cents; fifteen cents of which amount shall be retained by said officer as his fee for collection. Any person hunting, or attempting to hunt with a gun, and who shall refuse to show, or can not show his license herein provided for, to any sheriff, deputy sheriff, constable, special deputy game commissioner, or deputy game commissioner, upon demand, in the field, shall be

deemed guilty of a violation of the provisions of this section, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars. Provided that land owners and their children and tenants and their children may hunt or kill game birds or animals during the open season when it is lawful to do so, upon the farm or ranch lands of which they are the owners or lessees, without a license. The possession of a rifle or shotgun by a person afield shall be prima facie evidence that the person in possession of said gun is hunting or attempting to hunt.

Sec. 51. It shall be unlawful for any non-resident of this State, or alien, to hunt or attempt to hunt with a gun in this State without first having procured from the Game, Fish and Oyster Commissioner, or his deputies or a county clerk, a license to hunt, for which he shall pay the sum of fifteen dollars, three dollars of which amount shall be retained by said officer as his fee for collecting; and if any non-resident of the State, or alien, shall hunt or attempt to hunt with a gun in this State without securing a license as provided, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than twenty dollars nor more than one hundred dollars. The possession of a rifle or shotgun by a person afield shall be prima facie evidence that the person in possession of said gun is hunting or attempting to hunt.

Sec. 52. All hunting licenses issued shall have printed on their backs the bag limit set forth in this act; they shall have printed across their faces the year for which they are issued; they shall bear the name and residence of the person to whom they are issued and shall give the approximate weight, height, age, color of hair and eyes of such person, and shall have printed on them a statement to be subscribed in ink by the person to whom it is issued that he will not exceed in any one day the bag limit as set forth in the license. Such license shall be dated on the day of issuance and shall remain in effect until the first day of September thereafter and shall entitle the holder thereof to the right to hunt in any county of this State, and must be carried on the person of such hunter when in the field.

Sec. 53. All game birds, ducks, geese,

brant and other water fowl and all animals named in this act as subject to its provisions may be possessed during the open season prescribed therefor, and for an additional ten days after such season is closed, and it shall be unlawful after such ten days to place in storage or to keep in storage any wild game birds or animals, or parts thereof, named in this act, and any person owning or claiming such birds or animals or parts thereof after such ten days, or any person storing such birds or animal for such claimant or owner, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars, for each game bird, duck, goose or brant, or for such game animal or part of such animal as has been stored.

Provided, nothing in this act shall be construed to prohibit the canning or preserving by smoking, drying or salting such game birds or animals when lawfully taken and when for the use of the person so taking or for the use of his family.

Sec. 54. Any court, officer or tribunal having jurisdiction of the offense set forth in this chapter, or any district or county attorney, may subpoena persons and compel their attendance as witnesses to testify as to violations of any of the provisions of this law; and any person so summoned and examined shall not be liable to prosecution for any of the violations of this act about which he may testify; and a conviction for any offense enumerated by this act may be had upon the unsupported evidence of an accomplice or participant.

Sec. 55. It shall be unlawful for any person in the State of Texas to kill, catch or have in his or her possession, living or dead, any wild bird other than a game bird; or to purchase, to offer or expose for sale, transport or ship within or without this State, any such wild bird after it has been killed or caught, except as permitted by this law; and no part of the plumage, skin or body of any bird protected by this act shall be sold or had in possession for sale. For the purpose of this act the following only shall be considered game birds: wild turkey, wild ducks, wild geese, wild brant, wild grouse, wild prairie chicken (pinnated grouse), wild Mongolian or English pheasants, wild quail or partridges, wild doves, wild pigeons, wild plover, wild Wilson or jacksnipe, wild snipe, and wild Mexican pheasants or "chacalaca."

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Provided, however, that English or European sparrows, crows, buzzards, rice birds, road runners, the goshawk, Cooper's hawk or blue darter, sharp-shinned hawk, duck hawk and the great-horned owl are not included among the birds protected by this chapter.

Sec. 56. Nothing in this chapter shall prevent the keeping of canaries or parrots or squirrels in a cage as domestic pets. Provided, that nothing herein contained shall be construed to prohibit the sale or shipment of canary birds or parrots.

Sec. 57. Whoever shall sell or offer for sale, have in his or her possession for the purpose of sale, or whoever shall purchase or have in his or her possession after purchase, or whoever shall have in his or her possession as a pet any wild deer, wild antelope, wild Rocky Mountain sheep, or wild collared peccary known as javeline in this State, or the carcass thereof, or the hide thereof, or the antlers thereof shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

Sec. 58. If any person shall wilfully kill any seagull, tern, shearwater, egret, heron or pelican, or shall wilfully take from their nests, or in any manner destroy any egg or eggs of any seagull, tern, shearwater, egret, heron or pelican, except as provided for in Section 49 of this act, he shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 59. Said Game, Fish and Oyster Commissioner and his deputies shall have the same power and authority to serve criminal process as sheriffs, in connection with cases growing out of the violations of this act, and shall have same power as sheriffs to require aid in executing such process, and shall be entitled to receive the same fees as are provided by law for sheriffs in misdemeanor cases.

Sec. 60. The county clerk of each county in this State is hereby authorized to issue hunting licenses under his official seal to all persons complying with the provisions of this chapter, and shall fill out correctly and preserve the stubs attached thereto.

Sec. 61. The county clerk shall keep a complete and correct record of hunting licenses issued, showing the name and place of residence of each licensee, and the serial number and date of the license so issued. Said license stubs and unused licenses shall always be open to inspection of the Game, Fish and Oyster Commissioner or his deputies, or any peace officer.

Sec. 62. The county clerk shall, within ten days after the close of each calendar month, make out a detailed report under the seal of his office, showing the serial number and date of each license issued during the month, the name and residence of the person to whom issued, and shall forward same to the Game, Fish and Oyster Commissioner at Austin, who shall credit such county clerk with the amount so remitted.

Sec. 63. It is hereby made a special duty of the Game, Fish and Oyster Commissioner to enforce the statutes of this State for the protection and preservation of wild game and wild birds and to bring, or cause to be brought, actions and proceedings in the name of the State of Texas to recover any and all fines and penalties provided for in the laws now in force, or that may hereafter be enacted, relating to wild game and wild birds. Said Game, Fish and Oyster Commissioner may make complaint and cause proceedings to be commenced against any person for violating any of the laws for the protection and propagation of game or birds, without the sanction of the county attorney of the county in which such proceedings are commenced; and in such cases he shall not be required to furnish security for costs.

Sec. 64. It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, in the Capitol of this State, a well bound book in which he shall keep a complete list of the licenses and fines collected; said records shall be kept open for the inspection of the Comptroller and the public.

Sec. 65. The Game, Fish and Oyster Commissioner, at the close of each calendar month, shall file with the Comptroller a report in writing and detail, stating the services performed by him during the last preceding month, showing all fines, licenses and other fees collected, their disposition and any other particulars he may deem proper.

Sec. 66. The Game, Fish and Oyster Commissioner shall have power to ap-

point a chief deputy who shall maintain an office in the Capitol of the State; said chief deputy shall take the constitutional oath of office and shall act as general assistant to the said Game, Fish and Oyster Commissioner, and during the absence, sickness or disability of the commissioner he shall exercise the duties of said commissioner. Said chief deputy shall devote his entire time to work of his office.

Sec. 67. The chief deputy game, fish and oyster commissioner shall, before assuming the duties of his office, file with the Secretary of State a good and sufficient bond in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 68. It shall be the duty of the chief deputy game, fish and oyster commissioner to prepare and furnish to each county clerk blank hunting licenses with stubs attached, numbered serially. Said chief deputy shall open an account with each county clerk and charge him with the number of licenses furnished said clerk. Said account shall show the serial number of such licenses.

Sec. 69. And it shall be the duty of the Game, Fish and Oyster Commissioner and his deputies, in addition to their duties provided for in this act, to caution sportsmen or other persons while in the woods or marshes or prairies, of the danger from fire, and to extinguish all fires left burning by anyone, to the extent of their power and to give notice to any and all parties interested, when possible, of fires raging beyond their control, to the end that same may be controlled and extinguished.

Sec. 70. That Articles 874 to 900, inclusive, of the Penal Code of 1911, and Articles 4022 to 4042, inclusive, Revised Civil Statutes, 1911, and Chapter 60, General Laws, passed at the Regular Session of the Thirty-sixth Legislature, and Chapter 22, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, and Chapter 7, General Laws, passed at the First Called Session of the Thirty-fifth Legislature, and Chapter 8, General Laws, passed at the Third Called Session of the Thirty-fifth Legislature, and Chapter 72, General Laws, passed at the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 157, General Laws, passed at the Regular Session of the Thirty-sixth Legislature,

and Chapter 72, General Laws, passed at the Regular Session of the Thirty-seventh Legislature, and Chapter 85, Special Laws, passed at the Regular Session of the Thirty-seventh Legislature, and Chapter 35, General Laws, passed at the First Called Session of the Thirty-seventh Legislature, are hereby specifically repealed and all other laws, and parts of laws, whether general or special, except Chapter 31, of the General Laws, passed at the First Called Session of the Thirty-seventh Legislature, in conflict herewith, be, and the same are hereby repealed.

Sec. 71. The fact that there are now no adequate laws for the preservation, propagation and protection of the wild game animals and birds of this State, which are rapidly disappearing, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Merriman, further consideration of the bill was postponed until 11 o'clock a. m. next Wednesday.

#### HOUSE BILL NO. 278 ON SECOND READING.

On motion of Mr. Houston, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 278, A bill to be entitled "An Act to require the payment of interest on certain deposits required from water, light, gas and telephone companies within this State; requiring the making of annual reports; providing penalties for violations hereof, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 278 by adding at the end of line 30, page 1, the following: "provided, that any deposit left with said person, firm, company or corporation, trustee or receiver, furnishing said water, gas, light or telephone service, for less than one year shall bear interest at the rate of four per cent per annum."

Question—Shall the amendment be adopted?

#### RELATING TO HOUSE BILL NO. 213.

Mr. Rogers asked unanimous consent of the House to substitute a carbon copy of House bill No. 213 for the original bill, stating that the original copy of the bill had been lost or misplaced.

There was no objection offered.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, House bills Nos. 477, 455, 456, 478 were ordered not printed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 12, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the adverse minority report on S. B. No. 10, A bill to be entitled "An Act amending Article 1422, Penal Code of the State of Texas, as amended by Chapter 98, General Laws, Regular Session, Thirty-third Legislature, so as to make better provision for the punishment of those passing bogus checks, and declaring an emergency."

And adopted

H. C. R. No. 11, Providing for the renewal and extension of certain vendor lien notes therein described.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

#### RECESS.

Mr. Brady moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Culp moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Burmeister moved that the House recess until 8 o'clock p. m. today.

The motion of Mr. Brady prevailed, and the House accordingly at 5:30 o'clock p. m. took recess to 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Privileges, Suffrage and Elections—Senate bill No. 136.



Appropriations—House bills Nos. 420, 475.

School Districts—House bills Nos. 456, 432, 478, 455, 477.

The following committees have filed unfavorable reports on bills as follows:

School Districts—House bill No. 498.

Privileges, Suffrage and Elections—House bill No. 466.

Revenue and Taxation—House bills Nos. 40, 135.

Education—House bill No. 486.

Public Health—House bill No. 487.

Federal Relations—House concurrent resolution No. 15.

Commerce and Manufactures—House bill No. 161.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 335, A bill to be entitled "An Act amending Sections 3, 5 and 6 of Chapter 33 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session, approved March 18, 1921, which was an act entitled 'An Act reorganizing and adjusting the Fourth and Seventy-first Judicial Districts of Texas, incorporating Gregg county in the Seventy-first Judicial District and fixing the time of holding court in each of the several counties of said two districts and providing for the proper administration of said courts, and declaring an emergency,' the purpose of this amendment being to amend Section 3 of said act so as to rearrange the times of holding court in the Seventy-first Judicial District of Texas, which composes Harrison and Gregg counties, and making provision for the validity of process, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 266, A bill to be entitled

"An Act to amend Chapter 3, Special Laws of the Thirty-fifth Legislature, enacted at its Regular Session, creating the Hearne Independent School District; the said amendment providing for re-defining the boundaries of said school district and providing for the extension of said district and the annexation of adjacent territory thereto; providing for retention in office of present board of trustees and confirming the rights of the present board of trustees under the general laws of the State; validating all taxes and bonds now in force; providing for elections to determine (1) whether or not the indebtedness of the Hearne Independent School District, (2) of the additional territory annexed by this act, shall be assumed by the Hearne School District as extended by this act, and (3) whether or not the taxes for the district shall be levied, assessed and collected on all property in said district as extended by this act, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 427, A bill to be entitled "An Act to create the Barksdale Independent School District in Edwards and Real counties, Texas; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 395, A bill to be entitled

"An Act providing more efficient road laws for Bexar county, conferring on the commissioners court of Bexar county control of all roads, bridges, drains, ditches, culverts and all works incident to same; authorizing the employment of all necessary labor, teams, wagons and clerical help, and providing payment therefor; providing for road or ditch crossing wherever necessary, and the acquiring of land for same; authorizing the appointment of a county highway engineer, road superintendents and assistant engineers and other assistants, regulating the working of convicts, exempting all persons from road work and abolishing the office of road overseer, defining the word 'road'; repealing all laws and parts of laws in conflict herewith, and declaring an emergency, and expressly amending Section 17 thereof, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 12, A bill to be entitled "An Act to provide a portion of the revenue necessary for the construction and maintenance of a State system of public highways by imposing a tax on motor fuels as herein defined, to be paid by wholesale dealers, as herein defined; with certain rights to refunds as herein set forth; regulating the sale of such fuels; providing for the reports of sales of such motor fuels; for the collection of said tax by the Comptroller, and for the disposition of the revenue derived therefrom; fixing penalties for violations of this act, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 415, A bill to be entitled "An Act to create the Laparita Valley Independent School District out of a part of the Charlotte Independent

School District, and a part of the Jourdanton Independent School District, in Atascosa county, Texas; defining the metes and bounds and providing for a board of trustees therefor; and defining their powers and duties; vesting it with all the rights and duties of districts incorporated for free school purposes under the general laws of the State of Texas; providing for the payment by the Laparita Valley Independent School District of the pro rata share of the bonded indebtedness of the Charlotte Independent School District, and of the Jourdanton Independent School District, respectively, and validating said obligations; providing for commissioners of estimate, and fix said pro rata share of said bonded indebtedness, and providing for the compensation of said commissioners; repealing all special laws insofar as they conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 151, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals and providing for the creation of a State tax board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this act amended said articles shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; providing that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occu-

pation tax by reason of the payment of taxes based on intangible values; fixing the salary of the Tax Commissioner, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 295, A bill to be entitled "An Act to amend Section 72 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the election of directors of water improvement districts, and that in certain specified districts such directors shall be appointed by the county commissioners court, such districts being those which contain not to exceed twelve thousand acres of land, and in which sixty outside of the district, but who live within the county in which such district is located; providing time of appointment of such directors, and that petitions may be filed with said court by the land owners asking for appointment of certain persons as directors, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 18, A bill to be entitled "An Act to amend Chapter 2 of Title 98, Revised Statutes of Texas, 1911, by adding thereto Article 6057a providing that in addition to other methods provided in said chapter for the removal of officers they may be removed by quo warranto proceeding brought by the Attorney General upon direction of the Governor, making the provisions of said chapter applicable to proceedings hereunder except where in conflict; providing that the district judge may temporarily suspend an officer against whom the petition is filed and appoint a person to discharge the duties of the office who shall

not be required to give bond as provided in Article 6049, providing that the suspended officers shall receive the salary, compensation or fees until final judgment removing him, and that such salary, fees or compensation collected by the temporary officer shall be paid to the suspended officer, and that during appeals from a judgment removing an officer, such salary, fees and compensation shall be received by him unless he gives a supersedeas bond therefor, and that appeal shall not suspend the order temporarily removing such officer; providing that the temporary officer shall receive the same salary or compensation provided by the law to be paid by the State out of an appropriation to the Governor for the enforcement of the law; fixing jurisdiction and venue for such suits, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 428, A bill to be entitled "An Act to create the Camp Wood Independent School District in Real, Edwards and Uvalde counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 13, Relating to President Obregon,

Have carefully compared same and

find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.  
HENDRICKS, Chairman.

Committee Room.

Austin, Texas, February 12, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 52, "An Act relating to the jurisdiction of the county court of Reagan county, conferring upon said court civil and criminal jurisdiction and increasing the civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 12, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 146, "An Act to amend Article 6319, Sections 1, 2, 3, 4 and 5, Chapter 3, Title 107, General Laws of Texas, Acts of the Thirty-sixth Legislature, Fourth Called Session, 1920, substituting said sections and adding new sections; creating pilot boards in navigation districts containing cities of 100,000 population or more, and owning, operating or controlling docks, wharves or other facilities for utilizing navigable streams therein; giving exclusive jurisdiction to such navigation districts over pilotage of vessels between the Gulf of Mexico and their respective ports; power of navigation and canal commissions, empowering such pilot boards to appoint branch pilots, suspend or dismiss branch pilots or deputies, and to adopt rules and regulations for such; providing for bonds of branch pilots, and issuance of commissions to them by the Governor; providing reasonable rates for pilotage; defining duties, rights and privileges of branch pilots, and the responsibility of vessels and consignees to them; disqualifying persons for membership on pilot boards who are interested in any business af-

fecting by such position; repealing all laws and parts of laws in conflict with this act to the extent of such conflict, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 12, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 255, "An Act creating and incorporating the Sligo Independent School District, in Yoakum county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Sligo Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or part of the territory embraced within the boundaries of the independent district as created by this act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said istrict; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions of this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 306, "An Act to authorize, enable and permit the territory situated within the bounds of the Eagle Pass Independent School District in the county of Maverick and State of Texas, and other lands and territory adjacent thereto in Maverick county, to incorporate as an independent district for free school purposes only, to be hereafter known as the Eagle Pass Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Eagle Pass Independent School District of control of its public school and title to school properties and vesting the same in the new Eagle Pass Independent School District and its board of trustees; providing for a board of school trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the trustees of the new district as herein provided may be created; provided that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; providing other incidental provisions, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,  
Austin, Texas, February 12, 1923.  
Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 307, "An Act creating the Brackett Independent School District in Kinney county, Texas; defining its boundaries, including the present Brackett Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights,

powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

## TWENTY-SIXTH DAY.

(Continued.)

(Tuesday, February 13, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

## EMPLOYEE OF THE HOUSE.

The Speaker announced the following appointment:

Page to take the place of Stephen Brougher, discharged—Langston Smith.

## COMMITTEE TO INVESTIGATE ELEEMOSYNARY AND REFORM- ATORY INSTITUTIONS.

The Speaker announced the appointment of the following committee to investigate eleemosynary and reformatory institutions under simple resolution passed by the House:

Messrs. Beasley, Chairman; Cowen, Lewis, Wallace, Harrington.

## ADDRESS BY HON. CHAS. G. THOMAS.

Mr. Quaid offered the following resolution:

Whereas, The Hon. Charles G. Thomas of Denton county, a former distinguished member of this House and Speaker of the Thirty-seventh Legislature, is in the city and within the bar of the House; therefore, be it